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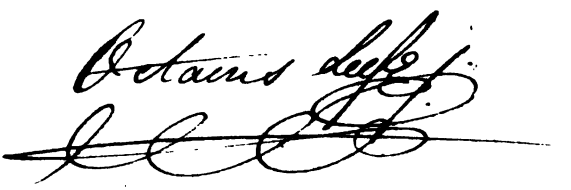

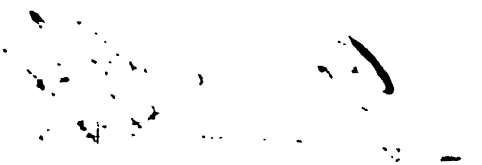

MEMOIRS

OF

ALGERNON SYDNEY.

BY

GEORGE WILSON MEADLEY.

WITH

AN APPENDIX.

LONDON:

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1813.

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TO

THE REVEREND JOHN DISNEY, D.D. F.S.A.

OF THE HYDE, ESSEX.

DEAR SIR,

If your steady attachment to the cause of civil and religious liberty, and the early sacrifice which you made to conscience and to principle, had not given you the strongest claims on my attention, gratitude for many personal obligations would alone have prompted me to this address. I am happy, therefore, in the opportunity of thus publicly expressing my esteem; and reflect with pleasure and with pride, that, allowing for some minuter differences of opinion,

our sentiments, on the leading questions of religion and policy, have long been essentially the same. And to whom could I inscribe the *Memoirs of Algernon Sydney* with so much propriety, as to one, who, participating in all his noblest feelings, so worthily dispenses the fortune, and maintains the constitutional principles, of Thomas Hollis of Corscombe, his patriotic admirer.

Accept then, dear Sir, this tribute of affectionate regard; and permit me to request your friendly notice of a *Work*, which, originating, in some measure, under your auspices, is intended to supply a desideratum in our national biography, and to complete the labours of Thomas Hollis and his associates, in elucidating Sydney's *character* and *writings*. How far I may have succeeded in this bold design must remain for others to decide: but whilst, as a man

and an author, I cannot feel indifferent to the general opinion of my country. I am particularly anxious that my exertions should be found worthy of your approbation.

Honored as I deem myself by your friendship, and gratified by the recollection of your repeated kindness, during the few years of our acquaintance, forgive me, if, in avowing my respect for the dignified consistency of your public conduct, I bear testimony also to the milder virtues of your private life. Nor can I deny myself the pleasure of recurring to the many happy hours, which I have passed in your hospitable mansion, where, among the beauties of cultivated nature, the monuments of ancient art, and the rarer treasures of your library, my greatest happiness has invariably been derived, from the charms of rational and instructive conversation.

That, amidst your various schemes of rural improvement, and the still wider range of your active and enlightened benevolence, you may long continue to enjoy that affluence, by which your integrity has been so signally rewarded, and, in the immediate circle of your friends and family, to receive as well as to communicate happiness, is the sincere wish of,

Dear Sir,

Your very faithful and obliged,

G. W. MEADLEY.

London, August 5, 1813.

PREFACE.

ALTHOUGH the name of Algernon Sydney has been long distinguished in the annals of his country, and his conduct held out to ingenuous youth, as an example of pure and disinterested patriotism, his personal history has been hitherto comparatively little known. The meagre detail of Collins, who first attempted to supply the neglect of contemporary writers, in his *Memoirs of the Sydneys*, prefixed to a valuable collection of their *Letters and Memorials*, has been chiefly followed in every subsequent design: whilst the interesting correspondence included in that publication, and other documents of a similar description, which have been for years before the public, furnish materials for a

much more finished work. It is true, indeed, that such direct authorities are confined to a few short, though interesting periods: and that the remainder of Sydney's life must be traced through the scanty sources afforded by collateral records. But still enough remains to reward the search of the diligent enquirer, as, except in a few leading transactions, his sentiments and conduct have been hitherto imperfectly developed. An enlarged view of his life and character has, therefore, long been wanting, to remove the prejudices of the ignorant, and to strengthen the attachment of more generous minds.

In attempting to supply this obvious desideratum in our national literature, the present writer has spared no pains in his enquiries after new and important facts. And, notwithstanding many disappointments, he trusts that some curious and in-

teresting information will be found to have rewarded his research. If, indeed, he had fortunately succeeded in recovering Sydney's letters to his uncle, the Earl of Northumberland, or those successively addressed to Sir John and Sir William Temple, he might have done greater justice to his theme. But, whilst every attention was paid to his enquiries, by the noble families in whose possession there seemed the greatest probability of their being still preserved, no traces of these letters could be found.

The writer's access to manuscript authorities has, consequently, been confined to a few documents which still remain at Penshurst, unnoticed or misquoted by Collins, and to such as, being deposited in the public offices, are now, for the first time, presented to the world. But he has endeavoured to supply the defect of original

information, by a careful search after all that is contained in the *Histories*, or even in the *Journals* of the times. And he has neglected no means of procuring either facts or illustrations, which might tend to the improvement of his work; ever remembering the chief duty of a *biographer*, to trace the progress of his hero, through surrounding circumstances, and not too minutely to detail the story of his age.

In all his enquiries, however, the writer has endeavoured to avail himself of the first authority, and has only depended, in a few unavoidable cases, on any secondary source of information. With respect to Barillon's letters, indeed, he has been obliged to rely on the extracts produced by Sir John Dalrymple, whose judgment, rather than his integrity, seems liable to some dispute. But he did not give up the pursuit of more authentic testimony, in this instance, till

he had ascertained, that the correspondence of that minister, respecting his intercourse with Sydney, was not included in the papers brought by Mr. Fox from Paris; and was convinced, that in the present state of Europe, every attempt to procure access to the original documents in the *Depôt des Affaires Etrangères* must have terminated without success.

In the more limited sphere of his researches, the writer has to acknowledge his obligations to some respected friends; particularly to Dr. Pearson, the late master of Sidney-college, Cambridge, and Mr. Allen, of Holland-house; by whose assistance he has chiefly been enabled to pursue his enquiries. He has experienced much attention also from the gentlemen entrusted with the care of those public or private repositories of information, to which he had repeatedly occasion to apply. Their libe-

rality does honour to their country, and justly entitles them to this tribute.

He feels himself called upon more especially to return thanks to Mr. Whitton, of Great James-street, for obtaining him a ready access to the manuscripts at Penshurst: to Dr. Charles Burney, for a frequent admission to his rare and valuable collection of newspapers, during the period of the civil wars; and to Mr. Williams Wynn, for allowing him to inspect the papers of his ancestor Sir William Williams, relating to Sydney's Trial and Defence. To them he has been indebted for an important accession of materials, during the progress of his work. And above all, he has to make his grateful acknowledgements to Lord Holland, for procuring him the unrestricted use of several documents in the State Paper Office, and for many other instances of polite attention.

Whatever reception these Memoirs may otherwise meet with from the public, the writer trusts that he shall not be accused of superficial research; since by a constant reference to his authorities, he has distinctly pointed out his various and scattered sources of information. And he finally submits the result of his labours, to the liberal and discerning, with deference, but without distrust.

MEMOIRS

OF

ALGERNON SYDNEY.

ALGERNON SYDNEY* was descended from a line of ancestors, no less distinguished by the splendour of their family alliances, than by the high offices which many of them had held in the service of the state. Originally of French extraction, they had settled in England in the reign of Henry II., when Sir William Sydney accompanied the king as his chamberlain from Anjou. They had chiefly resided in the counties of Sussex

* The immortal Sir Philip Sydney wrote the name of Sydney to his *Will*, but as a correspondent he was either Sydney or Sidney, as the *i* or *y* prevailed in his fancy by turns. His father had been Sydney *ab ovo ad mala;* but his brothers were apostates to the substituted *i*. *Harding's Essence of Malone*, p. 82.

and Surrey till the reign of Edward VI., who in 1552 rewarded the services of his tutor, Sir William Sydney, with the forfeited park and manor of Penshurst in Kent. His son, Sir Henry Sydney, being many years invested with the chief government of Ireland, pursued the wise and generous, though too much neglected policy, of enforcing the due administration of justice, and redressing the grievances of the people entrusted to his charge. The gallant and accomplished Sir Philip Sydney, his eldest son, who succeeded, May 5, 1586, receiving a mortal wound at Zutphen, in the ensuing September, the family estates passed to his brother Sir Robert Sydney, governor of Flushing, who being raised to a peerage, as Baron Sydney of Penshurst, was afterwards successively created Viscount Lisle, and Earl of Leicester, by King James I*.

Robert, the second Earl of Leicester of

* Collins's Memoirs of the Sydneys, 1—127. Hasted's History of Kent, I. 411—413.

this family, who succeeded, July 13, 1626, soon after the accession of Charles I., was his eldest surviving son; a man of talents and application, who had already displayed his abilities, in three preceding parliaments, in the House of Commons. Intimately acquainted with the best writers of antiquity, and the details of history, he had extended his political enquiries to every subject in which the interest of nations was involved. The facility and elegance with which he spoke the Italian, French, and Spanish languages, qualified him still further for public business; whilst his penetration, his judgment, and his knowledge of mankind, enabled him at all times to excel in the management of state affairs*.

* Collins, 127, 145. Hasted, I. 413.

Several volumes of this nobleman's manuscripts are still preserved in the library at Penshurst, consisting partly of remarks suggested by his own experience or enquiries, and partly of transcripts of unpublished works. Amongst the latter there is a *Treatise on Money* attributed to Sir William Beecher, one of the clerks of the council in ordinary.

In 1618, during his father's life, he married the Lady Dorothy Percy, daughter of Henry Earl of Northumberland, an amiable and accomplished woman, who brought him a numerous family. The subject of these *Memoirs* was their second son, born in 1622, and named ALGERNON after his maternal uncle, Algernon Lord Percy, afterwards Earl of Northumberland, and Lord High Admiral of England. Discovering at an early age the germ of extraordinary talents, he was carefully instructed in classical literature, and indulged with every other advantage of a high and liberal education. When, in 1632, the Earl of Leicester was appointed ambassador extraordinary to Christian IV. King of Denmark, on the death of the Queen Dowager Sophia, grandmother to Charles I., he took with him his two elder sons, Philip Lord Lisle, and Algernon, that he might still have them under his immediate inspection. He sailed in August to the Elbe, and, landing at Gluckstadt, had an audience of the king at Rensburgh, the chief city in his continental

dominions. After visiting the other courts of Schleswick and Holstein, he proceeded to Hamburgh, and thence returned to England after an absence of three months. His attention was still closely directed to the education of his sons; and the progress of Algernon, now advancing to maturity, repaid his utmost care*.

On being appointed ambassador extraordinary to the King of France, in May 1636, Lord Leicester still pursued his aim; and, taking both his sons to Paris, continued, amidst the arduous duties of his station, to superintend their conduct, and to cultivate their understandings, with unremitting assiduity. Hence, as the mind of Algernon expanded, new objects of attention were still presented to his view; and, as matters of state were included in the general scheme of his education, he may be fairly said to have acquired his early bias

* Collins, 121, 128. Sydney Papers, II. 370. Lord Leicester's Journal MSS. Howell's Letters, 215—229. Short Account of Alg. Sydney, Edin. 1750.

to political enquiries, during the administration of a Richelieu, and within the precincts of the court of France. His vivacity and good humour soon gained him universal esteem; the most flattering accounts of him were carried back to England by all who met with him at Paris; and his mother had the gratification of hearing him much commended, even by those who otherwise spoke well of few. She therefore notices him with much delight and affection in several letters to her lord. He was afterwards sent to Italy, and resided for some time at Rome, when Urban VIII., of the Barbarini family, was seated on the papal throne*.

Lord Leicester, in the mean while, finding his negociations for the return of the young Elector Palatine to his hereditary dominions protracted far beyond their expected termination, obtained leave to revisit England, on private business, for a

* Short Account. Sydney Papers, II. 445, 452, 464, 700, 703; MSS. Correspondence.

few weeks. He arrived, May 13, 1639, when the king was marching against the Scots, who had risen in arms to resist the enforcement of some religious ceremonies, abhorrent to a great majority of that nation. His lordship went down to Penshurst in the following month, and, on the 11th of July, was present at the marriage of his eldest daughter, the Lady Dorothy Sydney, the *Sacharissa* of the poet Waller, to Henry Lord Spencer, afterwards Earl of Sunderland, who was killed in the first battle of Newbury. In August he returned to resume his charge at Paris, in hopes, however, of being soon recalled to fill some more important station in the government at home*.

* Sydney Papers, II. 538. Collins, 129, 147.

"The queen," said Lord Northumberland, in a letter to Lord Leicester, Sept. 4, 1639, "I hear, seems well-inclined to favour your lordship, and, if her kindness be real, I doubt not of your receiving good satisfaction from hence; for I see persons brought in by her power, unto whom I verily believe the king hath much greater exceptions than ever he had to your lordship." MSS. Corr.

His lordship's care was still devoted to his son Algernon, for whom, as he was destined for the army, an application was made, through the Earl of Northumberland, for a troop of horse in the service of the United Provinces. But the Prince of Orange, their Stadtholder, having otherwise disposed of the commission, young Sydney was obliged to remain without any appointment till the final return of his father to England in October 1641. Such leisure, however, was far from prejudicial to his active mind, and, as his judgment was daily ripening, he became better enabled to digest his previous acquirements, and to extend his studies in any other direction, which taste or inclination might suggest *.

* Sydney Papers, II. 637—643. Collins, 129. Short Account.

"Least the Prince of Orange," said Lord Northumberland, in a subsequent letter, March 26, 1640, "should dispose of Lucas's troop, as he hath done of all the rest, I thought fit to hasten away a letter from the king in behalf of Algernon, which was attended by one from me to his highness, and another to the Queen of Bohemia, to the same purpose. If the prince grant our desire, it

The new parliament which the necessities of the king had constrained him reluctantly to assemble, November 3, 1640, was now proceeding in the redress of grievances, and in the prosecution of the chief actors in his previous misgovernment and oppression. And having afterwards procured, May 10, 1641, the royal assent to an *Act* to protect them from an arbitrary dissolution, the two houses endeavoured to obtain still further security for the public cause; lest the king, whose sincerity they justly doubted, might, on the first favorable opportunity, revoke all his former concessions: convinced that they had done but little in abating the most formidable evils, if they could not prevent their recurrence*.

will, in my opinion, be most necessary that Algernon go presently thither with some discreet body to make his acknowledgements to the prince, and take possession of the troop." MSS. Corr.

* "Both houses," said Lord Northumberland, Nov. 19, 1640, "understand one another so well, and are so fully resolved upon a reformation of all things, that I do verily believe we shall see many persons questioned, that

On the death of Lord Strafford, the first victim of popular vengeance, in this powerful re-action, the Earl of Leicester was promoted, June 14, 1641, to the lord lieutenancy of Ireland, with the concurrence of all parties. But, some jealousies being afterwards infused into the king's mind, he was unable to procure his dispatch; though his own earnest solicitations were seconded by the parliament, and his presence, on the breaking out of the rebellion, imperiously required. Being thus

within these six months thought themselves in great security; and such are the king's necessities, that he will not be any way able either to defend those men, or to help himself, be their proceedings never so distasteful to him."

And again, on the 24th of December, his lordship resumed, "The lieutenant of Ireland remains still most confident that he shall be able to wipe away all that can be charged against him when he comes to his trial. The king seems to be of the same opinion, and doth earnestly endeavour the saving of him; but the world believes it will be a work of difficulty." MSS. Corr.—See also May's History of the Parliament, Book I. and II. Ludlow's Letters, 4to. 1812. Memoirs of Colonel Hutchinson, by his widow Lucy, 2d edit. 4to. 1808, p. 72.

prevented from proceeding himself to the seat of his government, he dispatched Lord Lisle to Ireland at the head of his own regiment of horse, in which Algernon, now in his nineteenth year, had obtained the command of a troop. Whilst both the brothers deserved well of the public, Sydney, though new to active scenes, displayed, on all occasions, extraordinary spirit and resolution*.

But while he was thus ardently engaged in reducing the Irish insurgents, the flames of war were kindling in his native land. The king, having sacrificed the Earl of Strafford to his own safety, beheld with great jealousy every retrenchment of his prerogative, and every restraint upon his

* Ludlow's Memoirs, 4to. 1771, p. 28. Perfect Diurnal, No. 1 and 2. King Charles's Case, by J. Cook. Collins, 137, 148, 150.

"My Lord Lisle and his brother," said Sir John Temple, in a letter to the lord lieutenant, Jan. 14, 1642, "are both well, and I shall serve them to the utmost of my life and fortune: they both deserve very well of the public here." MSS. Corr.

power. He had roused the indignation of the parliament, by invading its most sacred privileges, in his attack on Lord Kimbolton, and the five members of the House of Commons*. By the detention of Lord Leicester from his government, and his extreme reluctance to concur in the defence of Ireland, he had increased the general alarm: and by refusing all accommodation respecting the disposal of the militia, withdrawing himself from the parliament, and attempting to seize the garrison of Hull, after he had sent his queen to purchase arms and ammunition on the continent, and by several corresponding acts of hostility, he evidently drew the sword on the nation, and compelled its legislative guardians to provide the means of public defence†.

* Pym, Hampden, Hollis, Haslerig, and Strode.

† May's History, Book II. Ludlow's Letters. King Charles's Case. Declaration of the Commons, Feb. 14, 1648. Mem. of Hutchinson, 75—77.

"The other book, which was lately given me, I send, because he accounts the detention of your lordship from

The royal standard was erected at Nottingham, August 22, 1642, and hostilities commenced soon after in a skirmish which preceded the battle of Edgehill. The Earl of Northumberland, having resigned his command, still adhered to the parliament: but Lord Leicester, though most unhandsomely treated by the king and his advisers, espoused the royal cause. After more than twelve months of expectation, he, at length, obtained his dispatch for Ireland; but no sooner was he ready to embark, than he was peremptorily ordered to return. Though his fidelity was unquestioned, he was not sufficiently subservient where the duties of his station interfered; and, like many other honorable men, he was obliged to give way to competitors more adapted to the service of a despotic and double dealing king. After another year's delay he was deprived of his government, November 29, 1643;

going to Ireland, one of the late king's greatest crimes." Lord Lisle to the Earl of Leicester, Feb. 27, 1649. MSS. Corr.

"otherwise" as he complains in a very urgent letter to the queen, on the 9th of December, "than any of his predecessors had been; the usual time not being expired, no offence objected, nor any recompense assigned." Disgusted at this treatment, he retired soon after to Penshurst, where, in the privacy of domestic life, he awaited the event of that storm, which was now gathering, with accumulated density and force, over his distracted country*.

In the mean while the activity and zeal with which Lord Lisle and Sydney had engaged against the Irish insurgents had provoked the resentment of the court faction, whose vengeance the former had narrowly escaped. They consequently obtained permission to return to England; though under a strict injunction to repair immediately to Oxford, at that time the

* May's History, B. III. Perfect Diurnal, No. 14, 17, 18, 29. Sydney Papers, II. 679. Lord Leicester's Letter to Lord Northumberland, Sept. 1642. King Charles's Case. Collins, 139.

head quarters of the king. On their arrival, however, at Chester, in August, 1643, some of their horses being taken possession of by the royalists, in violation of their father's licence, they again put out to sea. Landing afterwards at Liverpool, they were detained, with their arms and other property, by the commissioners stationed in that quarter by the parliament, till further orders respecting them should be received. Lord Lisle, indeed, was immediately set at liberty, though soon after placed under a partial restraint, in consequence of a letter being discovered, written by Sydney, and addressed to Orlando Bridgeman, a royalist, at Chester, desiring to have his horses restored, as he intended shortly to set out for Oxford, where his father could well testify his affection to the service of the king. Information of this discovery being transmitted to the parliament, the two brothers, in consequence of fresh instructions, were sent up in safe custody to London. The king, thus disappointed of their service, took great offence at this affair, attributing it entirely to their own contrivance: and

this jealousy, together with the other circumstances of his conduct, soon alienated their affections from his cause*.

Although the authority of a father might hitherto have naturally influenced Sydney's proceedings, yet, as he had now arrived at maturity, it became incumbent on him to decide for himself. The suppression of the Irish insurgents, in which alone he had been professionally engaged, was avowedly the common object of both parties. No dereliction of principle, therefore, can be fairly inferred, from his embarking in defence of the parliament. Affairs had now assumed a serious aspect, and he was of too ardent a temperament to feel indifferent, when the freedom of his country was endangered. Whatever might have been his former intentions, he now readily embarked in the public cause, a *cause* to which he afterwards adhered with the most inflexible consistency.

* Collins, 148, 150. Commons' Journals, III. 223. Mercurius Britannicus, No. 2.

On the 10th of May, 1644, he was appointed captain of a troop of horse in the army of the Earl of Manchester, major general of the Eastern Association*; and, to enable him to enter on his military duties, four hundred pounds were voted by the parliament towards the payment of his arrears. He obtained the rank of lieutenant colonel in the course of a few weeks; and, on the 2d of July, he charged, with much gallantry, at the head of his commander's regiment, in the battle of Marston Moor. Being severely wounded, and almost within the power of the enemy, he was rescued by the heroism of a soldier, who, stepping out of the ranks of Cromwell's regiment, brought him off to a place of safety, without receiving any injury himself. Sydney, enquiring the name of his deliverer, that he might reward so much courage and affection, was told that, as reward was not his object, he wished to

* The Eastern Association included the counties of Essex, Norfolk, Suffolk, Hertford, Cambridge, Huntingdon, and Lincoln.

be excused the disclosure of his name. The conduct of Sydney in this action is noticed with applause in the *Journals* of the day; and his wounds, which obliged him to remove to London, are mentioned in the official dispatch of his general with much regret. His health, however, otherwise suffering little, he speedily recovered*.

* Collins, 151. Comm. Jour. III. 507.

"Colonel Sydney, son to the Earl of Leicester, charged with much gallantry at the head of my lord's regiment of horse, and came off with much honour, though with many wounds, to the grief of my lord, and many others, who is since gone to London for the cure of his wounds." *Ash's Intelligence from the Armies in the North*, No. 6.

"Colonel Sydney being dangerously wounded in the late fight, and within the enemy's power, one stepped out of Colonel Cromwell's party or regiment, and brought him off without any hurt to himself. The colonel seeing his great love and courage, desired to know his name, that he might reward him; he answered it was not that he did it for, and, therefore, for his name, he desired to be excused; and so it remained unknown to any but himself that did it." *Parliamentary Scout*, No. 57.

"Divers of quality are wounded; among others Colonel Sydney hath received several, but none mortal; these wounds cured will be scars of honour."—*True Relation of the late Fight*, No. 7.—See also *Weekly Account*, No. 24.

The disingenuousness of the king had now become more evident in the treaty of Uxbridge; and his favour to the Irish insurgents, with whom he had concluded an armistice, that he might recal the English forces to his own assistance, strengthened the interest of his opponents when at the lowest extremity. But, as the divisions between the *presbyterians* and the *independents* were now beginning to excite attention, he still hoped, amidst the conflicts of party, for the eventual accomplishment of his designs *.

When the army was new modelled, Sydney was ready for the field, and being promoted, April 2, 1645, to a regiment of horse in the army of Sir Thomas Fairfax,

" Divers we have wounded; amongst whom it much troubleth me to tell you is my cousin Sydney; but yet he is very hearty."—*Earl of Manchester's Letter.*

" Colonel Sydney amends of his wounds."—*Kingdom's Weekly Intelligencer*, No. 63.

* Memoirs of Hutchinson, 201—204. King Charles's Works, fol. 1662, I. 313—332. Ludlow's Mem. 46, 64. Ludlow's Letters, 73—76.

he was placed in that division of which Cromwell had the immediate command. SANCTUS AMOR PATRIÆ DAT ANIMUM was the motto which he bore upon his banner; and the sacred love of his country appears to have been the actuating principle of his mind. He was appointed governor of Chichester on the 10th of May, and in the following December, when the House of Commons issued a writ for the election of a new member, in the room of one whose seat had been long vacated by desertion, he was chosen burgess for the town of Cardiff. The royal army, meanwhile, had experienced a signal defeat at Naseby, June 14, 1645, an advantage which the parliament had actively improved; whilst the king, unable to surmount the effects of this disaster, had surrendered himself to the Scottish army, and was retained as a prisoner in their hands *.

* Collins, 151. Whitelocke's Memorials, ed. 1732. p. 137. Perfect Occurrences, No. 19. Art of making Devises. Comm. Jour. IV. 157. Lords' Jour. VII. 363. Perfect Diurnal, No. 123. Parliamentary His-

The royalists still continuing in great force in Ireland under the Marquis of Ormond, who had succeeded the Earl of Leicester in the government by the king's authority, Lord Lisle was appointed lord lieutenant by the parliament, that he might supersede the commission of Lord Inchiquin, president of Munster, who commanded their forces in that realm. But although this officer had justly incurred suspicion by the versatility of his conduct, his influence in the House of Commons was so considerable, that whilst Lord Lisle's appointment took place in January, 1645-6, his commission was not signed till April, and then only for a single year; and he was afterwards prevented from proceeding to his government till the term of his authority was about to close*.

Sydney's regiment, also, after being com-

tory, last edition. II. 628. Clarendon's History, 8vo. 1807, II. 985. Ludlow's Mem. 65.

* Collins, 148. Leicester's Journal, MSS. Perfect Diurnal, No. 130. Clarendon, III. 181. Ludlow's Mem. 73.

pleted from troops within the Eastern Association, was ordered for Ireland on the 6th of July; and he was afterwards reappointed to the command of it, under a commission from the lord lieutenant. In consequence of a letter from Sir Thomas Fairfax, two thousand pounds were voted to him, January 4, 1646-7, in payment of his arrears, out of the unappropriated fines or compositions of such delinquents, as he should name to the committee at Goldsmiths' Hall. As he was now preparing to accompany his brother to Ireland, his attendance in parliament was dispensed with, by a resolution of the House of Commons; and he was appointed lieutenant-general of horse in that kingdom, and governor of Dublin, by authority from the committee at Derby-house *.

The two brothers left London on the 1st of February, and, on their arrival at Bris-

* Collins, 151. Comm. Jour. IV. 600. V. 41, 49. Lords' Jour. VIII. 417. Perfect Diurnal, No. 180. Whitelocke, 233. Leicester's Journal, MSS.

tol, Lord Lisle found himself obliged to leave his cavalry behind him, in consequence of information from Lord Inchiquin that no provision could be obtained for them in his province. On the 19th of the same month they embarked at Minehead, landed on the 21st at Monkstown, a village about six miles from Cork, and proceeded to that city on the following day. They found all things in strange disorder, and very great abuses in the government, whilst the power of the enemy required vigour and dispatch; but the pretensions of Lord Inchiquin completely obstructed the designs of the lord lieutenant, and their rivalry occasioning reciprocal complaints to the parliament, proved a source of much injury to the public service *.

The Marquis of Ormond, in the mean

* Leicester's Journal, MSS. Perfect Diurnal, No. 187, 189. Moderate Intelligencer, No. 106. Skinner's Life of Monk, p. 28. Clarendon's Hist. III. 181.

time, renewed his negociation with the parliament for the surrender of Dublin, and his other garrisons, although he had refused to ratify his first proposals, whilst Lord Lisle remained in London, and was ready to take the immediate command. But though the hostility of Lord Inchiquin to the popular cause was becoming daily more and more apparent, his interest in the two Houses prevented the renewal of Lord Lisle's commission, who, so far from being able to counteract the designs of such a rival, was obliged, in less than two months, to relinquish his own station, and to leave him in possession of the supreme command *.

But not content with their success on this occasion, the partizans of the president were determined to remove Algernon Sydney also from his post. Taking advantage, therefore, of a thin attendance in the House

* Leicester's Journal, MSS. Moderate Intelligencer, No. 103, 106. Clarendon's Hist. III. 306, 485. Ludlow's Mem. 107. See Appendix, No. I.

of Commons, on the 8th of April, when most of his friends were absent, they superseded him in the government of Dublin, on pretence that, as his brother had been recalled, it was not fit to leave him in a situation of so much importance. And yet so fully satisfied was the House with his merit and services, that it was immediately resolved, without opposition, to take his claims into early consideration *.

On being informed of these transactions, Sydney immediately vacated his command, and his brother's commission being determined, they sailed from Cork, on the 17th of April, in company with several others who thought fit to resign their employments rather than serve under Lord Inchiquin. After encountering a severe storm on their passage, they landed on the 21st at Minehead, and proceeded immediately to Bristol, from whence information of the state of

* Leicester's Journal, MSS. Comm. Jour. V. 136. Lords' Jour. IX. 131. Whitelocke, 242. Perfect Diurnal, No. 193.

affairs in Ireland was presently dispatched to town. They arrived in London on the 1st of May, and on the 7th, when Lord Lisle made a report to the House of Commons on the situation of his late government, they both received thanks for their good conduct*.

The *presbyterians*, whose influence swayed the counsels of the parliament during these inconsistent proceedings, had already discovered a spirit of intolerance and selfish ambition, which created a very general disgust. The *independents* meanwhile had been rising fast in the public estimation, and were countenanced by a formidable party in the House of Commons. Embracing every variety of religious opinion with the most ardent enthusiasm, they were united by no common bond of faith; and readily extended to others that liberty of conscience which each demanded for himself. The army, composed for the most

* Leicester's Journal. MSS. Whitelocke, 246. Perfect Diurnal, No. 197. See Appendix II.

part of these liberal enthusiasts, respectable at once in character and circumstances, being irritated by the narrow bigotry of the presbyterians, were too easily excited to an unconstitutional interference, when the deliberations of the parliament were alike directed against their own influence and the public cause. But, whatever rivalry and ambition might actuate the leaders of either party, they were closely united with men who, true to their avowed principles, still looked forward to the establishment of a free constitution, as the end of all their labours, and a duty which at once they owed their country and their God*.

Among these genuine patriots, whose individual exertions, however honorable to themselves, were unable to counteract the selfish policy of their associates, the name of Sydney is deservedly enrolled; as through the whole course of his public conduct he seems to have been actuated by the most

* Ludlow's Mem. 107—109. Mem. of Hutchinson, 264—269, 287.

liberal and disinterested views. Free from that enthusiasm which so generally prevailed, he strenuously labored, in the senate and in the field, to uphold the common rights of mankind, and the laws of the land against every species of tyranny and corruption. But at the same time he conducted himself with liberality towards his opponents, and on some occasions conferred the most important services on the royal family and their dependents. He lent a willing ear more especially to the application of one of his former acquaintance among the royalists, who now requested his assistance and advice; particularly in respect to the Duke of Buckingham, a royal ward, who though previously favored, on account of his minority, had revolted from the parliament in a recent insurrection*.

On the 13th of October, 1648, Sydney, who, in reward for his services, had been

* Apology in the Day of his Death, p. 3, in Works, 4to. 1772. Clarendon's State Papers, II. 421. Mem. of Hutchinson, 294. See Appendix III.

invested with the government of Dover Castle, was promoted, by an ordinance of the two Houses, to the ancient and more honorable title of lieutenant. His name was regarded as of good omen among the learned enthusiasts of his day, as when written in the Hebrew character, with a slight variation, it might be translated, "He is against strange men that destroy the cause *."

Amidst the virulence of faction, and the alternate prevalence of the parliament and the army, the captive king had still looked foward to the restoration of his power; and some very favorable opportunities did certainly occur to him, if he had acted with sincerity, and been less infatuated with the idea of his own importance. But every opportunity was lost by his duplicity and fluctuation, till, on the unwarrantable exclusion of the presbyterians from their

* Lords' Jour. X. 536. Comm. Jour. VI. 51. Moderate Intelligencer, No. 187. Perfect Occurrences, No. 94.

seats in parliament, he was deprived of his last resource *.

There were few persons, however, more averse to this outrageous interference of the army, than some of those very men who, in parliament, had most earnestly deprecated every idea of an accommodation with the king, which, on the terms proposed at the treaty of Newport, they considered as a dereliction of the public cause. But, after fruitlessly demanding that their colleagues should be restored, they determined to remain at their post, that the country might not be delivered without reserve into the hands of a military faction. Having already called for the prosecution of the king, in an address presented to the parliament November 20, 1648, the army were now in a situation to enforce their demand; and they were joined in the wish by numbers, who, aware

* Rushworth's Historical Collections, IV. 1346. Mem. of Hutchinson, 277. Ludlow's Mem. 115—117. Rapin's History, fol. II. 570.

of his habitual insincerity, were afraid of his return to power *.

When this solemn proceeding was resolved on, Sydney was appointed one of the commissioners to sit in judgment on the degraded sovereign, and, while some preliminary steps were discussed in the painted chamber, he occasionally attended the court. Having so far sanctioned the great principle of making rulers responsible for misconduct, he declined any further attendance, not choosing, it is thought, to trample on a fallen foe. He was of opinion, indeed, that the Commons had

* Mem. of Hutchinson, 302—304. Ludlow's Mem. 113—117. Parl. Hist. III. 1075—1127.

"The unhappy, the melancholy fate of this prince," it has been justly observed, "may be traced to the obstinacy with which every improvement was opposed; to the unbending disinclination to conform to the spirit of the times, and to the progress of mental advancement; and, let it never be forgotten, that when forced into a momentary acquiescence in the desire of the nation, the first opportunity was seized to add perfidy to refusal."—Earl Grey's speech on the Reversion Bill, March 10, 1808. See also Burnet's History, 12mo. Edin. 1753, I. 64.

been too hasty in determining on this process by their single authority, since the Lords had shewn a disposition to concur in it if a second application had been made: a concurrence, no doubt, much to be desired, as giving additional weight to the proceeding. On the 22d of January, 1648-9, therefore, he accompanied Lord Lisle, who was also a commissioner, but had abstained from all interference, to Penshurst, and remained there till the 29th, when the High Court of Justice had pronounced sentence, and a warrant was signing for the execution of the king*.

* Parl. Hist. III. 1254. State Trials, 8vo. ed. by Howell, III. 1059—1064. Dalrymple's Memoirs, 4to. I. 78. Collins, 131. Letters to his Father, in Works, 4to. 1772, p. 3.

"My two sons, Philip and Algernon, came unexpectedly to Penshurst, Monday 22, and staid there till Monday 29, so as neither of them was at the condemnation of the king, nor was Philip, at any time, at the High Court, though a commissioner; but Algernon, a commissioner also, was there sometimes in the painted chamber, but never in Westminster Hall."—Lord Leicester's Journal, January, 1648-9. MSS.

It is neither intended to deny, nor yet to palliate, the irregularities which took place at this unprecedented trial; much less to triumph in the fate of a misguided prince, thus solemnly called to an account. But the chief actors in this tragedy should be rescued from ill founded blame, and their motives cleared, as well from the charge of selfishness or malignity, as from the undue bias of external force. The influence which Cromwell had already obtained, when taken in connection with his subsequent aggrandizement, has led to a very general opinion, that the death of Charles was procured by his predominant authority, to make way for the accomplishment of his designs. This opinion, however, though sanctioned by many eminent writers, seems to have been rather hastily adopted, even as it applies to the interference of the army, in which, being absent, he had actually borne no part. Admitting that the aspiring general was already looking forward to the throne, and anxious to destroy a rival claimant, his too

active interposition might have awakened unfavorable suspicions. Sincere and ardent republicans, of which the court was in a great measure composed, were ill calculated to receive his mandates, or to act in obedience to his will. The silence of Ludlow, and the explicit testimony of Mrs. Hutchinson, that neither force nor persuasion was resorted to, seem decisive in repelling the suspicion; and it is further discountenanced by the conduct of numbers, who through life maintained the justice of the deed, and of some who proudly exulted in their share of it, in the last extremity of a cruel fate*.

* Mem. of Hutchinson, 306. Ludlow, 117—121.

The solitary case of Ingoldsby, who afterwards pretended that Cromwell had forced him to sign the warrant for the king's execution, even admitting the truth of it, which is very questionable, forms no valid objection to the argument here maintained, since he was a mere tool of the general's, and had taken no share in the preceding transactions of the court.—See Clarendon, III. 1156. Mem. of Hutchinson, 371, 383.

An officer in the Herald's College once informed a friend of the present writer's, that, on examining the pedigree of the regicides, he found that, with two or three exceptions, they were all of gentlemen's descent.

Actuated throughout by the most ardent enthusiasm, they considered themselves called upon, by every moral and religious duty, to execute justice on the author of so many calamities. Conceiving the king still bent on the ruin of his opponents, in any favorable change of fortune, they regarded themselves as responsible for all the mischiefs which might ensue from his escape; and although fully aware of the danger of thus highly exasperating his party, they allowed no personal considerations to deter them from their bold design. Yet such of the commissioners as abstained from all active participation in this danger, were not only unmolested by their colleagues, but, as in the case of Sydney and his brother, were afterwards admitted to as much influence in the parliament as they had previously possessed*.

They were consequently of that very description of men whom Sydney regarded as the true nobility of a country, and the fittest guardians of the public weal.—See DISCOURSES *concerning* GOVERNMENT, c. III. §. 28.

* Mem. of Hutchinson, 305—307.

"The execution of Charles I," to use the language of

The propriety of this whole proceeding may, indeed, be fairly questioned by all, who, reflecting coolly on the prepossessions and feelings of mankind, are aware of the imprudence of disregarding them, and of the mischievous effects of a reaction where extreme measures are pursued. Yet it was surely more dignified to arraign and punish the deposed king in the face of the whole nation, than to resort to any of those se-

a friend who was consulted on this delicate subject, "has always appeared to me the natural, and almost inevitable, consequence of his own duplicity and insincerity. Does not the whole tenor of the history of that period shew, that it was a measure determined on by the chief officers in the army, and the republican party in the parliament, partly from a conviction that no trust could be reposed in him, and partly from an opinion that his death, otherwise merited by his misconduct and misgovernment, was necessary to consolidate the new form of government which they were about to establish? Some also were influenced by a fanatical opinion, that blood must be expiated by blood, from which they inferred, that divine justice could not be appeased for the blood shed in the civil wars, unless judgment were pronounced and executed against him, who, in their opinion, was the sole author of that calamity."

cret means of destruction so often practised on the rulers of despotic states. For the representatives of a people thus solemnly requiring judgment on their former sovereign, no precedent, perhaps, could strictly be adduced: but the presumed sanctity of a crowned head had been as notoriously, and far more grossly, violated by Queen Elizabeth, in the trial and execution of the Queen of Scots.

But though Sydney had so little share in this proceeding, he certainly approved the sentence of the court, as an important lesson to all future tyrants, and an awful example of retributive justice. He regarded, indeed, the right of resisting oppression, as essential to the general safety, in all societies upheld by law; for when the ways prescribed by public authority cannot be resorted to, men may justly defend themselves against injustice by their own natural right. He deemed it impious to think that one who had added treachery to his other crimes, and usurped a power

above the law, should be protected by the enormity of his wickedness, from the punishment inflicted on inferior delinquents. Yet no man was less inclined to sanguinary measures; and when a design to assassinate the Prince of Wales was pointed out to him, he prevented it from taking effect *.

Concurring, therefore, in the abolition of royalty, and the consequent establishment of a free commonwealth, he continued to attend his duty in the PARLIAMENT, as the House of Commons was now called, as closely as his military engagements

* Discourses concerning Government, c. II. §. 24, c. III. §. 4. State Trials, 8vo. ed. by Howell, IX. 877. Trial, p. 42, in Works, 4to. 1772. Dalrymple, II. 78.

"The doctrine of resistance," as was well observed by the first nobleman in the empire, standing in his place, as premier peer of England, "the doctrine of resistance placed the present royal family on the throne of these kingdoms,—it is interwoven in the constitution: but it is a doctrine more fit to be inculcated on princes, than rashly instilled into the people." "It is a principle," said Mr. Fox, "which we should wish kings never to forget, and their subjects seldom to remember."—Edinburgh Review, XX. 414, Nov. 1812.

would permit. On the 15th of May, 1649, he was particularly named as a member of an open committee appointed to consider about settling the succession, and regulating the election of future parliaments. On the 10th of the same month, he had reported the arrears due to several officers from the committee on Irish affairs; when the House, being reminded of his own services and disbursements, gave instructions immediately for the audit of his accounts; and, when the statement was presented, on the 3d of October, the balance, amounting to about one thousand eight hundred pounds, was ordered to be paid to him in land. In the mean time, July 13, he had been continued, by a resolution of the parliament, in the government of Dover Castle *.

Although the Earl of Leicester had retired at an early period of the contest, and his previous attendance on the king might

* Perfect Diurnal, No. 303, 311. Comm. Journ. VI. 206, 303. Perfect Occurrences, No. 145.

fairly be attributed to solicitude for his dispatch to Ireland, he had still been regarded by the parliament with a distrustful eye; and all the interest of Lord Northumberland, and of his own sons, had been required to remove the sequestration on his estate. He was therefore obliged, on the 18th of April, 1650, to sign the *engagement* of fidelity to the commonwealth. The Duke of Gloucester, and the Princess Elizabeth, were then residing in his house, having been entrusted by the parliament to the care of Lady Leicester, with an allowance of three thousand pounds a year *.

Soon after this, when Ludlow was consulted by Cromwell, on his return from Ireland, respecting a proper person to command the horse, and otherwise to assist

* Collins, 131, 132. Certificate preserved at Penshurst. MSS. Corr. Sydney Papers, II. 676.

The young princes were treated in this family with so much kindness, that Elizabeth, who died soon after their removal, bequeathed to Lady Leicester a jewel, as a recompence for the care and respect shewn to her; a circumstance which afterwards gave rise to a long and vexatious dispute. See Collins, 132—135.

Ireton in the government of that kingdom, he strongly recommended Sydney, as qualified in every respect; but Cromwell, who destined Ludlow himself to that appointment, objected, on pretence of his being related to some of the royal party*.

In the following winter, Sydney appears to have been involved in a serious dispute with his officers in the garrison at Dover, on which a court martial was immediately convened. Thinking himself unfairly treated, he petitioned parliament for redress, and a committee being appointed, on the 14th of January, to investigate the business, the proceedings of the court martial were suspended for their report. But in defiance of this order, the court martial continued to sit, till their refractory conduct being noticed in parliament, three of the officers were summoned to the bar. After some further enquiries, the matter was referred to the council of state, and, on the 28th of March, 1651, when the com-

* Ludlow's Mem. 137.

mittee was revived, his goods and horses were restored to him by a resolution of the House *.

Sydney, in the meanwhile, had been divested of his command, and going over to the Hague, he quarrelled with the Earl of Oxford at a play, on the 19th of April, and afterwards sent him a challenge. Both parties in consequence proceeded into Flanders with their seconds, but were prevented fighting by the judicious interference of some friends, who, taking up their difference more coolly, had followed them without delay †.

* Comm. Jour. VI. 523—529. Whitelocke, 487.

† "On Saturday last, the Lord of Oxford, and Colonel Sidney, fell out at a play here, and are gone into Flanders to fight it out, with their seconds, Colonel Gerard and Captain Clark. Sidney, they say, sent the challenge: what the occasion was we do not yet understand, nor the success. Hague, 19th Ap. 1651." Mercurius Politicus, No. 46.

"The two duellists, Oxford and Sidney, have had their quarrel taken up by some friends, who prevented them in their way to Flanders. Hague, May 12." Merc. Pol. No. 49. See also Faithful Scout, No. 18. Whitelocke, 492.

On his return to England, in the autumn of 1651, Sydney became more assiduous in attending his duty in parliament, than his military engagements had previously allowed. From this time he took an active share in the business of the House, and, on the 6th of August, 1652, was appointed chairman of the committee on a *bill* for satisfying those adventurers, who had lent money to assist government in suppressing the Irish insurgents, on an assignment of the confiscated lands. As this *bill* included the arrears due to the army employed in that service, and the encouragement of protestant settlers in Ireland, the proceedings of the committee were slow; but, on the 4th of January, after a long investigation, Sydney reported those proceedings to the House. In the interim, he was on two committees for promoting a union with Scotland, and on one for effecting some important alterations in the practice of the courts of law *.

* Comm. Jour. VII. 23—242.

On the 25th of November, he had been elected a member of the council of state, and in this capacity he reported to the parliament, on the 5th January, the demands of the Portuguese ambassador about signing a preliminary treaty. He was afterwards on a committee deputed by the House to give audience to the ministers of Hamburgh and the court of Sweden; and appears to have been in treaty with his kinsman, the ingenious Marquis of Worcester, for constructing an engine and waterworks on the river Thames*.

The parliament, although deeply engaged in redressing the grievances, and in regulating the domestic policy of the country, had conducted the administration of affairs with such vigour and ability, as

* Comm. Jour. VII. 221—274. Sydney Papers, II. 679. Letters, 4.

Ambassadors ordinary and extraordinary were admitted to a public audience of the parliament, and ministers of inferior rank only to an audience of a committee of the House. Parl. Hist. III. 1360.

to restore her ancient rank and authority, in their intercourse with foreign powers. The enlightened patriot might therefore justly glory in this proud pre-eminence, when compared with the pusillanimity and weakness of two feeble reigns; and Sydney, whose heart beat high with military ardour, thus forcibly describes the important change.

"When Van Tromp set upon Blake in Folkstone Bay, the parliament had not above thirteen ships against threescore, and not a man that had ever seen any other fight at sea, than between a merchant ship and a pirate, to oppose the best captain in the world, attended with many others in valour and experience not much inferior to him. Many other difficulties were observed in the unsettled state: few ships, want of money, several factions, and some, who to advance particular interests betrayed the public. But such was the power of wisdom and integrity in those that sat at the helm, and their diligence in choosing men only for their merit was blessed with such success, that in two years our fleets grew to be

as famous as our land armies; the reputation and power of our nation rose to a greater height than when we possessed the better half of France, and the Kings of France and Scotland were our prisoners. All the states, kings, and potentates of Europe, most respectfully, not to say submissively, sought our friendship; and Rome was more afraid of Blake and his fleet, than they had been of the great King of Sweden, when he was ready to invade Italy with a hundred thousand men*."

But while Sydney might thus proudly exult in the reviving splendour of his country, a fatal cloud was impending, which darkened the present prospects of the Commonwealth, and finally accelerated its fall. The death of Charles, however hastily attributed to the authority or to the intrigues of Cromwell, had certainly opened new prospects to his ambition, whilst he had sedulously labored to improve the influence derived from his military success. Perceiving, therefore, that the parliament

* *Discourses*, c. II. §. 28.

were looking forward to the close of all their labours in the establishment of a free constitution, and preparing to give place to a new legislature, erected on the basis of a more equal representation of the people, he determined to frustrate their design, and, by the forcible dispersion of this renowned assembly, to make himself a passage to the vacant throne*.

When this daring measure was carried into execution, on the 19th of April, 1653, Sydney was seated next the speaker on the right hand; and being ordered by Harrison, at Cromwell's instance, to go out, he peremptorily refused to quit his place. Cromwell, therefore, was obliged to repeat the command, and his agents, laying their hands on Sydney's shoulders to enforce it, he rose and went towards the door†.

* Mem. of Hutchinson, 332. Ludlow's Mem. 192—194.

† "Wednesday April 20th, 1653. It happened that Algernon Sydney sat next to the speaker on the right hand; the general said to Harrison put him out; Harri-

Sydney, indeed, shewed himself so decidedly hostile to Cromwell's usurpation, and expressed his aversion to it so strongly on all occasions, as to provoke the indignation of Lord Lisle, an adherent of the general's, who had readily acquiesced in the change. For disclaiming all connection with the government, he indignantly retired to Penshurst, to console himself in the society of his family, and amidst the scenery of his early years, for the rude shock which his feelings had sustained in this turn of public affairs. During a long seclusion from all active interference, Lord Leicester had marked the progress of events, carefully noting down in his *Journal* many of the principal transactions of the times. He appears to have still taken a lively interest in his son Algernon's success; and, warmly resenting the conduct of his enemies, to

son spake to Sydney to go out; but he said he would not go out, and sat still. The general said again put him out: then Harrison and Worsley put their hands upon Sydney's shoulders, as if they would force him to go out; then he rose, and went towards the door." *Lord Leicester's Journal* MSS.

have admired his firmness in resisting the unlawful dispersion of the parliament, and his steady adherence to the public cause*.

But ere Sydney was well settled in his retreat, the happiness of his family was disturbed by the folly and imprudence of Lord Strangford, who had married his youngest sister, and was nearly allied to them in blood. Being anxiously alive to all their feelings, he strenuously labored to reclaim this young nobleman from his vicious courses, and from the controul of some profligate advisers. He offered to intercede for him with the Earl of Leicester, whom he had most deeply offended, on a thorough reformation of that conduct, which threatened him at once with the loss of character and estate. For a time he undertook the management of his embarrassed affairs; repeatedly urged him to fulfil his marriage contract, which he had artfully evaded;

* State Trials, IX. 866. Trial, 32. Burnet, II. 361. MSS. Corr. Lord Leicester's Journal, MSS. See Appendix IV.

and finally afforded him pecuniary assistance in his greatest need *.

On the restoration of peace with the United Provinces, which soon followed the elevation of Cromwell to the sole government as protector, in 1654, Sydney again went over to the Hague; where, through Beverning, their ambassador in the late negociation, he became acquainted with the Lieutenant Admiral Opdam, and the celebrated John De Witt. This truly eminent man, who, from its commencement, had steadily opposed the war with England, was no sooner invested with a leading influence in the councils of his country, as pensionary of Holland, than he effectually exerted himself in bringing it to an immediate close. But, notwithstanding the wisdom and integrity of his proceedings, parties ran high among the states; although the house of Orange was no longer formidable, and the young prince, whose

* MSS. Corr. Sydney Papers, II. 681. Letters, 5.

property was heavily burthened, depended on them for support. A secret article, however, in their treaty with Cromwell, excluding that house from all share in the government, had given great offence to the prince's partisans; whilst the states of Holland, by whom this article was chiefly favored, published a spirited vindication of their conduct, and went on vigorously with their designs. But, although the late prince had imprisoned their former leaders in the castle of Louvestein, in 1650, for opposing his inordinate exactions; the republicans, who from thence were called the Louvestein party, took no undue advantage of their present power. And the young prince, destined afterwards so eminently to assert the cause of freedom, was educated, with all due attention to his future prospects, under the auspices of John De Witt. In the enlightened views of this patriot statesman, Sydney could not fail to recognize the true model of republican policy, as practised in the best ages of Greece and Rome; and to admire the man,

in whom every selfish consideration appears to have been absorbed, in his affection to his country, and his attachment to the public weal*.

On his return to England, Sydney again retired to Penshurst, and, devoting his attention to literature, frequently committed his thoughts to paper, for the purpose of re-examination. An *Essay on Love*, found among his papers, and supposed to have been written at this period, has been long before the world; and, however faulty in point of style, since he had not yet attained the simplicity which marks his later writings, is by no means unworthy of his pen. Unfolding the nature and object of this all powerful passion, he confines his approbation to *virtuous love*, as that which alone is consistent with true happiness; and passes a warm eulogium on the female character, as capable, with the advantages

* Thurloe's State Papers, II. 501, 522. Burnet's Hist. I. 322—324. Memoirs prefixed to De Witt's Political Maxims, &c. 1743. XXXIV—XLV.

of a liberal education, of attaining all the nobler energies of the human mind*.

The science of government, however, seems to have been through life his favorite study; and, after the example of his father, he carefully noted down the result of his enquiries on this important point. His *Common-place Book*, from which he appears to have directed his attention to every branch of policy, illustrated in the history of free or despotic states, is still preserved in the library at Penshurst. A copious store of materials was thus collected for his future use; and his mind, habituated to the details of tyranny or imprudence, was becoming every day more fit for action, when the great cause of his country should revive.

It is probable, indeed, that the plan of his great work on *Government* might already have occupied his mind, and that

* This Essay was first published in Lord Somers's Tracts, 4to. Vol. II. p. 401.

those very papers, which, falling into the hands of his enemies, were afterwards imperfectly produced at his *Trial*, were written at this early period, and amongst the sketches of his bold design. And a *General View of Government in Europe*, which has been confidently ascribed to him by Ralph the historian, however different from the style and manner of his *Discourses*, might also have been composed during his present seclusion, if one passage, alluding to the pensioned parliament, had not necessarily referred it to a later date. But, from whatever quarter this little *Tract* proceeded, it is evidently the production of no common pen, displaying an accurate knowledge of the nature and origin of *government*, as illustrated in the history of preceding ages, and, what is still more rare in similar enquiries, an intimate acquaintance with the public mind*.

* See State Trials, IX. 855—858; Trial 22—25; Ralph on the Use and Abuse of Parliaments, I. 1—78; Sydney's Works, 4to. 1772.

As the return of constitutional authority was still impatiently expected, notwithstanding the power of the usurper, political speculations were pursued with unabated ardour, and various schemes of republican institutions had their numerous and sanguine partizans. The comprehensive mind of Sydney had penetrated more deeply into every subject connected with the science of *government*, his views were, in general, more accurate, his models of study and composition infinitely more correct. Among contemporary writers, Milton alone possessed superior powers, and in the *Works* of that great man, however obscured by temporary allusions, as in those of Machiavelli, Buchanan, and Languet, he might find the first specimens of that powerful reasoning, and of the application of history to politics, which are so prominently displayed in his own *.

* See Milton's Prose Works; Operé di Nicolao Machiavelli; Buchanan de Jure Regni apud Scotos; and Vindiciæ contra Tyrannos: a tract generally attributed to Languet.

After his return from the Hague, Sydney resided principally at Penshurst; and, except for an occasional excursion to London, or to the Earl of Northumberland's seat at Petworth, in Sussex, he seldom quitted his paternal roof. True to his own principles, he still declined all intercourse with the protector, and kept aloof from every sort of interference in the management of public affairs: deeming an honorable retirement far more consistent with his character, and the duty which he owed to his country, than an obsequious deference to illegal sway *.

Cromwell, in the meanwhile, had conducted his schemes of foreign policy with

* And yet from a paper inserted in the last quarto edition of his Works, on the authority of Dr. Rawlinson, it would appear that Sydney had undertaken a mission to the king of Sweden during his campaigns in Poland, and on that occasion had written down the protector's advice. But, besides the insufficient evidence afforded by this paper, no reference to such a mission can be elsewhere found; whilst it appears from Milton's State Letters, that Colonel Jephson, an adherent of Cromwell's, was the person actually employed.

equal vigour and ability, and, where his personal interests were not involved, had proved himself favorable to the due administration of justice and of law. He was the steady and consistent friend of religious liberty, and convened his parliaments on a far more adequate scheme of representation, than has been practised in any former or succeeding times. But his assumption of power must ever be regarded as a dereliction of all principle, and a flagrant violation of the people's rights; for, however the wisdom and splendour of his government may dazzle for a moment, they can neither justify nor even palliate his usurpation. Enthusiasm, the moving spring of all his early conduct, contributed much to his ultimate success; and the artifice with which he contrived to distract the counsels of those, who, like Sydney, were opposed to his ambition, and to set the religious zealots against the cooler advocates of civil liberty, enabled him to accomplish his designs. But his power terminated with his life, Sept. 3, 1658; and his son, Richard, whose character was ill adapted to a public sta-

tion, though succeeding quietly to the protectorate, was soon obliged to retire *.

When the long parliament was restored, May 7th, 1659, Sydney returned to his post, concurring heartily in their first resolution, to secure the liberty and property of the people, without the government of *a single person, kingship, or a House of Lords.* On the 14th of the same month, he assisted in the election of a council of state, and resumed his place among the counsellors. Anxious to maintain the paramount authority of the civil power, he strenuously and successfully contended against several of his friends, who were afraid of giving umbrage to the army, for limiting the powers of the commander in chief, when Fleetwood was invested with that important office, so dangerous to the liberties of a free state †.

* Milton's State Letters. Neal's Hist. of the Puritans, IV. c. 3. Parl. Hist. III. 1418. Burnet's Hist. I. 93.

† Collins, 152. Comm. Jour. VII. 653, 654. Ludlow's Mem. 279.

But scarcely was the commonwealth re-established, when the council was called upon to interfere in the affairs of the north of Europe, to mediate, in conjunction with the states general, a peace between the Kings of Denmark and Sweden. Sydney was appointed one of the commissioners on the 5th of June, and two thousand pounds being afterwards voted for their expenses, proceeded with his colleagues, Honywood and Boone, to the Sound, where, on the 21st of July, they were joined by Montagu, admiral of the fleet upon that station, who was included in the same commission, and immediately entered into a conference with the ministers deputed by the states *.

* Ludlow's Mem. 282. Thurloe, VII. 708.

"At the council of state," says Whitelocke, "I and Col. Sydney, and Sir Robert Honywood, were named to go commissioners to the Sound, to mediate a peace between Sweden and Denmark. I was not willing to undertake this service, especially to be joined with those that would expect precedency of me, who had been formerly ambassador extraordinary to Sweden alone; and I knew well the overruling temper and height of Col. Syd-

Frederic III. of Denmark had rashly provoked the resentment of a powerful rival, by a most unwarranted attack on his dominions, whilst he was engaged in a distant war with Poland, in 1657. But, on the subsequent invasion of his own territories, the aggressor had been obliged to submit, in a treaty concluded at Roschild, to very disadvantageous terms. Aware of the intention of his adversary to violate these conditions, on the first favorable opportunity, Charles Gustavus had invaded Zealand a second time, in the spring of 1659, and, after reducing the strong fortress of Cronburgh, had laid siege to Copenhagen, when his progress was suddenly arrested by the arrival of the Dutch fleet. In this situation of affairs, the head-quarters of the invading army being at Fredericsburgh, and the Danish court pent up in their besieged capital, the mediators commenced their negociations, in conformity to

ney. I therefore endeavoured to excuse myself, by reason of my old age and infirmities; but the council pressed it upon me." Memorials, 680.

a treaty concluded at the Hague; each party engaging to enforce such terms as might appear just and reasonable on their respective allies *.

It was not easy, however, to render any such conditions acceptable to the King of Sweden, who hated every thing that checked the career of his conquests, or to Frederic, whose pretensions were but ill adapted to the humbled state of his affairs. These difficulties were increased by the intrigues of the Danish confederates, Poland, Austria, and Brandenburgh, who, anxious to deprive Sweden of her distant dependencies, were interested in the prosecution of the war. The obstinacy of Charles Gustavus, on the other hand, was not less repugnant to pacific views; since, however powerfully opposed in various quarters, he still confided in his own good fortune, and in a firm persuasion that England and

* Puffendorff's Introduction, VII. XIII. Thurloe, VII. 708. Ludlow's Mem. 282.

France would never suffer him to fall. In consenting, therefore, to the terms proposed by the mediators, he required their interference to maintain his interests in Germany against the other belligerent powers. But, whilst endeavouring to repair the loss sustained in a defeat near Nyborg, during this protracted negociation, he was carried off by an epidemical fever on the 23d of February, 1660. All objections on the part of Sweden being thus suddenly removed, the Danes, who had shrunk before the prowess of a warlike sovereign, became dilatory in their proceedings, in the hope of profiting by the distractions of a minor's reign. By declining to conclude the treaty without compulsion, they also flattered themselves that they would evade the indemnity required by the Dutch, whose ministers on the contrary, alive to their own interest, were equally unwilling to enforce the terms. But these mediators having forfeited all right of interference by a breach of faith, and the Swedes having made

peace with the other belligerents at Oliva, the treaty was finally concluded on the 23d of May, on the basis proposed by the English commissioners, in conjunction with the French ambassador Terlon, who had, for some time, taken part in the negociation *.

During the whole course of these proceedings, the character of the English nation was sustained by the commissioners, with equal integrity and decision. Montagu, indeed, being secretly engaged to the royalists, had soon abandoned his post, and Boone being afterwards sent back to England, the most important stages of the negociation were conducted, under very delicate circumstances, by Sydney and Honywood, with discretion, ability, and zeal. Their bills of exchange being dishonored, from the exhausted state of the public treasury, they were frequently obliged to depend upon their own resources for supplies;

* Thurloe, VII. 724—887. Sydney Papers, II. 683—688. Puffendorff, VII. XIII.

whilst their embarrassments were increased by the selfishness and insolence of the Dutch ministers, who repeatedly thwarted their designs. But, protesting boldly against such conduct, to the great surprise of the states general, they steadily pursued their aim; and neglected no fair occasion of promoting the interest of their own country, so far as it appeared compatible with the claims of the belligerents, and consistent with national good faith *.

The lofty mind of Sydney, indeed, actuated all their counsels; ever forward to vindicate the honour of his country, and to expose the wavering policy of the other mediators. Being sensible of the various difficulties by which he was surrounded, he encountered them with superior address; and, true to the great object of his mission, strenuously urged the conclusion of the treaty, whichever party were inclined to delay. He resented every attempt to pro-

* Thurloe, VII. 708—887. Sydney Papers, II. 683—688.

long the miseries of warfare, whether arising from his own associates, or from the contending powers. In opposition to Montagu, he had resisted the high pretensions of the King of Sweden, at the commencement of the negociation; and only procured his acquiescence in the terms proposed, at a later period, by insisting that the friendship of England could not otherwise be maintained. And, though he afterwards espoused the interest of the infant king, against the reviving hopes of Frederic, he finally procured for Denmark much better terms than her own allies had ventured to prescribe. Deprecating the fatal system of unceasing warfare between these contiguous nations, he endeavoured to settle their disputes on the broad basis of mutual advantage; and by a defensive alliance to secure their future peace. He anticipated the advantages which might result to his own country from their union, in the event, which he strongly suspected, of an early rupture with the Dutch; and, free from every species of chicanery and double dealing, his whole

conduct was marked with the strictest sincerity and honour*.

Having unsuccessfully opposed the design of Montagu to return, with the whole fleet, to England, in a very critical stage of the negociations, Sydney addressed a very spirited vindication of his conduct to the council of state. Whilst anxious to avail himself of the first opportunity of returning, he was so reluctant to abandon the great object of his mission, that he readily acquiesced in the wish of the other parties, that he might still continue at his post. Although living on the most friendly terms with the Dutch ministers, he invariably resisted their selfish and unwarranted designs. And, however repugnant to the narrow maxims of the French government, he zealously co-operated with M. Terlon, in his

* Thurloe, VII. 731—887. Sydney Papers, II. 683—695.

Sydney's official and private correspondence, extracted from these valuable collections, has also, with a single exception, been inserted in the quarto edition of his Works, London, 1772—see Appendix V.

exertions to put an end to the calamities of war *.

Sydney had conceived a very high opinion of Charles Gustavus, whose views of public liberty, and the duties of a sovereign, were in most respects congenial to his own. Being raised to the throne by a free election, he was content, after the example of his uncle Gustavus Adolphus, to whom he was little inferior in valour or in wisdom, to reign within the laws. Owing so much to the people, when poor and unprovided for, he thought it his first duty to give them no cause to repent of their good opinion, by the principles and conduct of his reign. Finding, therefore, some of the best men in the country, amongst those who had opposed his election, he immediately distinguished them by favour; convinced that, when they had seen reason to approve of his proceedings, they would become his most decided friends. And in this conviction he

* Thurloe, 731. Sydney Papers, II. 684—694.

was not deceived; for such wise and liberal policy, by securing the affections of the public, proved the most formidable barrier to his throne. But, in admiring his virtues as a sovereign, Sydney saw too clearly the great error of his government, to countenance his ambitious views, and was frequently constrained, by a sense of duty, to suppress an inclination to oblige him. He had indeed been treated with much attention, in all his intercourse with this enlightened prince, who, a few hours before he died, had acknowledged, with kindness, a due sense of his favorable disposition. Sydney, therefore, on this melancholy event, felt himself called upon by every tie of duty and inclination to support the interest of the queen regent and her infant son*.

When the treaty was concluded, Sydney proceeded to Stockholm, as plenipotentiary from the council of state, but, on the restora-

* Sydney Papers, II. 685, 694. Letters, 8, 19. Discourses concerning Government, c. III. §. 18, 22, 31, 38. Burnet's Hist. I. 115.

tion of royalty in England, he declined acting as a public minister, except officially to announce the change. He was received, however, with all due respect, by the court and nobility, particularly by Prince Adolphus, brother to the deceased king. As he had been referred, in his last dispatches from the council, to the orders of the new sovereign, he thought it more becoming, to remain at his post in a private capacity, than hastily to abandon his charge. He was very doubtful indeed of receiving any countenance from England, in the present posture of affairs; but he was still more afraid of being accused of precipitation, than of any evil which he might suffer from delay. "While I am here," said he, in a letter to his father, May 22, 1660, "I serve England, and will, with as much care and diligence as I can, endeavour to advance its interests, and follow the orders of those who govern it." And whilst uncertain whether even his conduct, in the mediation, might be approved, he pointed out to his father several circumstances which

might be acted upon with advantage, whenever the treaty should be ratified. His opinion on this subject was certainly worthy of regard; since he had taken an enlarged view of the northern governments, and of the benefits which England might derive from their alliance*.

But, while he so cautiously abstained from all other interference, Sydney applied, in the name of the mediators, for the release of Count d'Ulfield, a prisoner of state. This nobleman, having married a sister of the King of Denmark, had been formerly his ambassador successively at London and the Hague. Falling afterwards into disgrace, he went over to the King of Sweden, and rendered him some essential services, during the first invasion of Zealand, and in the subsequent treaty of Roschild. Incurring also the displeasure of his new master, about the time of the second invasion, he had been imprisoned, together with his

* Sydney Papers, II. 688—695. Letters, 11—21.

lady, and was still very strictly confined. Although unquestionably included in the general amnesty, for all offences committed during the war, and secured in his rights and privileges, by some other articles of the treaty, the mediators would have named him particularly, to avoid dispute, if the Swedes had not expressly promised to restore him, on their subsequent intercession at Stockholm. But though Sydney strenuously insisted on the performance of this promise, as an implied condition of the treaty, and even solicited the count's release in consideration of his former services to the King of England, his exertions were fruitless: the destruction of the noble victim being resolved on, with a view to the confiscation of his wealth. Exasperated at this breach of faith, Sydney stated the circumstances very strongly to his father, that they might be duly represented at the English court. No interference, however, seems to have ensued, and the count, escaping soon after from his confinement, was, in equal violation of the treaty, arrested by

the Danish government, and sent a prisoner to Bornholm *.

But notwithstanding his spirited conduct in this instance, when Sydney took leave of the court of Sweden, June 28, 1660, he was presented by the young king with a gold chain, and a picture of his father, in a case set with diamonds, and was otherwise magnificently entertained; in testimony of the high estimation in which he had been held by the deceased sovereign, and of his important services in forwarding the restoration of peace †.

Sydney, rejoining his colleague at Copenhagen, on the 8th of July, when the Swedes were evacuating Zealand, was witness to many of the enormities perpetrated by invading armies, especially in the moment of retreat. In a letter to his father, he notices the general ignorance of the clergy

* Sydney Papers, II. 692. Letters, 17. Clarendon's Hist. III. 458.

† Parliamentary Intelligencer, No. 31.

in these northern realms, and the advantage with which some of the more eminent availed themselves of the sermons of Baxter, Burroughs, and other puritan divines. On the 21st of July, the commissioners took leave of the King of Denmark, Sir Robert Honywood returning to England to give an account of their proceedings, whilst Sydney went forward to Hamburgh, to await the instructions of his friends *.

The restoration of royalty in England was an event not less repugnant to Sydney's feelings, than injurious to his prospects in life. It had placed the administration of government in the hands of men with whom he held no common principles, and it destroyed his ardent hopes of establishing the liberties of his country on a permanent basis. He remained, therefore, in a state of great uncertainty, till circumstances should more clearly explain the character of the rulers, and the situation of those who, like himself, had borne a leading

* Sydney Papers, II. 691, 695. Letters, 16, 21.

share in the service of the commonwealth. The restoration had, indeed, been effected by the authority of the new parliament, with the approbation of his nearest relations, and under the auspices of a man who had been most intimately connected with his family and himself. Hence, in the first instance, he shewed himself not only willing to continue in his diplomatic situation, till the great objects of his mission were accomplished, but seemed otherwise much disposed to acquiesce in the important change. He looked forward, at least, to the pleasing prospect of returning to his own country, and was anxious, at so delicate a crisis, for the advice and assistance of his friends. "If I do not receive new orders," said he, in a letter from Copenhagen to his father, May 22, 1660, "I shall return speedily *home*, and shall then follow that way which your lordship shall command, and my best friends advise, as far as I can, without breaking the rules of honour or conscience, which I am sure will never be expected from me by your lord-

ship, nor those whose opinions I consider." And again, from Stockholm, June 16, he resumed, "I do not at all know in what condition I am *there*, nor what effects I shall find of General's Monk's expressions of kindness towards me, and his remembrance of the ancient friendship that was between us; but the Lord Fleetwood's letters to the senate, and private persons here, mention discourses that he makes much to my advantage." "I am uncertain," said he, June 23, "how my actions and person will be looked upon at home. I hope I shall be able to give a good account of all that I have done here, and for other things, I must take my fortune with the rest of my companions." "The news I hear from England," continued he, June 27, "of public things, is punctual and certain enough, but my friends are so short in what particularly relates unto myself, that I can make no judgment at all upon what they say. Perhaps the truth is, they can say nothing to my advantage, and leave me to guess at the rest by public

things." And, finally, after his return to Denmark, July 14, he observed, "I confess I did not think myself at all assured of being owned, or that new orders would be sent unto me; but that was rather what I guessed from the general state of things, than grounded upon what I heard from any person that I trusted, until my return hither *."

But no sooner was Sydney informed of the real character of the government, the treacherous conduct of Monk, and the situation of his old associates, than he rejected the large offers of advantage which he received from the general, as *the rewards of iniquity*, and determined to remain abroad. And to a friend, who had recommended his return to England, he vindicated his motives and conduct in the following letter, written with an energy and eloquence, which would have done honour

* Sydney Papers, II. 688—691. Letters, 13—15.

to the noblest characters of Greece and Rome*,

"SIR,

"I am sorry I cannot in all things conform myself to the advices of my friends. If theirs had any joint concernment with mine, I should willingly submit my interest to theirs; but when I alone am interested, and they only advise me to come over as soon as the act of indemnity is passed, because they think it is best for me, I cannot wholly lay aside my own judgment and choice. I confess, we are naturally inclined to delight in our own country, and I have a particular love to mine. I hope I have given some testimony of it. I think that being exiled from it is a great evil, and would redeem myself from it with the loss of a great deal of my blood. But when that country of mine, which used to be esteemed a paradise, is now like to be made a stage of injury; the liberty which

* Apology, p. 3.

we hoped to establish oppressed; luxury and lewdness set up in its height, instead of the piety, virtue, sobriety, and modesty, which we hoped, God, by our hands, would have introduced; the best of our nation made a prey to the worst; the parliament, court, and army, corrupted; the people enslaved; all things vendible; no man safe, but by such evil and infamous means, as flattery and bribery; what joy can I have in my own country in this condition? Is it a pleasure to see, that all I love in the world is sold and destroyed? Shall I renounce all my old principles, learn the vile court-arts, and make my peace by bribing some of them? Shall their corruption and vice be my safety? Ah! no; better is a life among strangers, than in my own country upon such conditions. Whilst I live, I will endeavour to preserve my liberty; or at least not consent to the destroying of it. I hope I shall die in the same principles in which I have lived, and will live no longer than they can preserve me. I have in my life been guilty of many follies; *but*, as I

think, *of no meanness.* I will not blot and defile that which is past, by endeavouring to provide for the future. I have ever had in my mind, that when God should cast me into such a condition, as that I cannot save my life but by doing an indecent thing, he shews me the time is come wherein I should resign it: and when I cannot live in my own country but by such means as are worse than dying in it, I think he shews me, I ought to keep myself out of it. Let them please themselves with making the king glorious, who think a whole people may justly be sacrificed for the interest and pleasure of one man, and a few of his followers; let them rejoice in their subtilty, who, by betraying the former powers, have gained the favour of this, not only preserved, but advanced themselves in these dangerous changes. Nevertheless, perhaps, they may find, the king's glory is their shame; his plenty the people's misery; and that the gaining of an office or a little money, is a poor reward for destroying a nation, *which, if it were preserved in liberty and virtue,*

would truly be the most glorious in the world; and that others may find, they have with much pains purchased their own shame and misery, a dear price paid for that which is not worth keeping, nor the life that is accompanied with it. The honour of English parliaments have ever been in making the nation glorious and happy, not in selling and destroying the interest of it, to satisfy the lusts of one man. Miserable nation! that from so great a height of glory, is fallen into the most despicable condition in the world; of having all its good depending upon the breath and will of the vilest persons in it! cheated and sold by them they trusted! infamous traffick, equal almost in guilt to that of Judas! In all preceding ages, parliaments have been the palace of our liberty; the sure defenders of the oppressed: they, who formerly could bridle kings, and keep the balance equal between them and the people, are now become instruments of all our oppressions; and a sword in his hand to destroy us; they themselves led by a few interested

persons, who are willing to buy offices for themselves, by the misery of the whole nation, and the blood of the most worthy and eminent persons in it. Detestable bribes, worse than the oaths now in fashion in this mercenary court! I mean to owe neither my life nor liberty to any such means. When the innocence of my actions will not protect me, I will stay away till the storm be over-passed. In short, where Vane, Lambert, Haselrig cannot live in safety, I cannot live at all. If I had been in England, I should have expected a lodging with them; or though they may be the first, as being more eminent than I, I must expect to follow their example in suffering as I have been their companion in acting. I am most in a maze at the mistaken informations that were sent to me by my friends, full of expectations of favours and employments. Who can think that they who imprison them would employ me, or suffer me to live when they are put to death? If I might live and be employed, can it be expected that I should serve a government

that seeks such detestable ways of establishing itself? Ah! no; I have not learnt to make my own peace, by persecuting and betraying my brethren, more innocent and worthy than myself. I must live by just means, and serve to just ends, or not at all. After such a manifestation of the ways by which it is intended the king shall govern, I should have renounced any place of favour, into which the kindness and industry of my friends might have advanced me, when I found those, that were better than I, were only fit to be destroyed. I had formerly some jealousies; the fraudulent proclamation for indemnity increased them; the imprisoning of those three men, and turning out of all the officers of the army, contrary to promise, confirmed me in my resolutions not to return. To conclude, the tide is not to be diverted, nor the oppressed delivered; but God, in his time, will have mercy upon his people. He will save and defend them, and avenge the blood of those who shall now perish, upon the heads of those, who, in their

pride, think nothing is able to oppose them. Happy are those whom God shall make instruments of his justice in so blessed a work! If I can live to see that day, I shall be ripe for the grave, and be able to say with joy, 'Lord, now lettest thou thy servant depart in peace.' Farewel. My thoughts as to king and state depending upon their actions, no man shall be a more faithful servant to him than I, if he make the good and prosperity of his people his glory; none more his enemy, if he doth the contrary. To my particular friends I shall be constant on all occasions, and to you a most affectionate servant *".

Sydney was very far, indeed, from imitating the conduct of those men, who endeavoured to appease the wrath of their opponents, by some mean apology, or were ready to renounce their former sentiments, in compliance with the humour of the times. He had steadily and boldly de-

* Familiar Letters, written by John Earl of Rochester, and other persons of honour and quality.

fended the just cause of his country, and conscientiously asserted the sacred rights and liberties of mankind. He saw no reason, therefore, to repent of any part of his conduct; he had maintained no principles which he was now disposed to retract; and, whatever evils might await him in a state of exile, he was still determined to preserve the independence, and to evince the integrity and firmness of his mind. He was, perhaps, less prudent in the avowal of his sentiments, than his personal interest might require; but, acting with strict honour and consistency, he rose superior to the evils of his fate.

In visiting one of the public libraries at Copenhagen, Sydney wrote in the *Album*, or Book of Mottos, according to a licence granted to all noble strangers,

Manus hæc inimica tyrannis
Ense petit placidam sub libertate quietem;

a sentiment which, on other occasions, he had frequently expressed. Terlon, the

French ambassador, on hearing its purport, for he was ignorant of the Latin language, insolently tore the motto from the book, as a libel on the despotism of his own country, and on that which was then setting up in Denmark by French intrigue *.

When it was one day observed to him, in company at Copenhagen, "I think you were none of the late king's judges, nor guilty of his death;" scorning to disown the conduct of his associates, in this turn of fortune, he indignantly replied, "GUILTY! DO YOU CALL THAT GUILT? Why it was the justest and bravest action that ever was done in England, or any where else."—On hearing of a design to seize and imprison him, he mentioned it

* Familiar Letters. Preface to Lord Molesworth's Account of Denmark.

The crown of Denmark was elective, and subject to the controul of a senate, till by an act of the general diet in 1660, in one day, without any visible force, it was made hereditary and absolute, no rebellion or convulsion of state ensuing from the change. Burnet's History, I. 395. Discourses concerning Government, c. III. § 18.

thus strongly to the King of Denmark, "I hear there is a design to seize upon me; but who is it that hath that design? *Est ce notre bandit?*" And, at other times, he expressed his indignation at the profligate and perfidious character of the restored king, in terms of equal force. This being eagerly reported by his enemies in England, operated so much to his disadvantage, that it was once intended to except him from the general amnesty; and, when he afterwards applied for an assurance of safety, during a residence of a few months at Penshurst, for the arrangement of some private business, his request was peremptorily refused *.

Sydney's resolution of remaining on the continent, was fully justified by the conduct of the triumphant party, and the British nation severely punished for recalling such a prince from exile, without any stipulations in their own behalf. Although many

* Familiar Letters. Sydney Papers, II. 725. Letters, 56.

of the most ardent republicans would have silently acquiesced in the restoration, on being assured of their personal safety, the king, in defiance of his promise at Breda, to refer himself wholly to the parliament, used all his influence to place them at his mercy, intimating, on the first shew of resistance, that he had other means of rendering null his public declarations and acts. Monk also, who, before the king's arrival, had deprecated every idea of vengeance, now became the ready instrument of his master's cruelty, and, with unrivalled perfidy, gave up his former patrons, who, trusting to his professions, had neglected to secure themselves. And many others, who in prosperity had strenuously supported the cause of the republic, now reproached their fallen leaders, with this hapless reverse of their affairs; hoping thereby to obliterate their own offences, and to secure an interest with the court *.

* Kennet's Register, fol. 1728, p. 108. Ludlow's Mem. 379—396. Mem. of Hutchinson, 369—380.

The king, to use the language of Burke, "was a man without any sense of his duty as a prince; without any regard to the dignity of his crown; without any love to his people; dissolute, false, venal; and destitute of any positive good quality whatsoever, except a pleasant temper and the manners of a gentleman." The propriety and decorum, therefore, which had distinguished the manners of the commonwealth, gave place to the profligacy and licentiousness of the court of France. The returning exiles brought with them from the continent a supreme contempt for every moral virtue, and were emulated in their vices by the apostates, who so loudly hailed their return. Under the name of puritanism, every approach to regularity of conduct was discountenanced, and, the court setting the example, a universal degeneracy prevailed. Even the national literature suffered by so complete a change, and the lofty tone of composition, which marks the earlier efforts of British genius, was suc-

ceeded by a servile imitation of the effeminate productions of France*.

Venality and corruption now pervaded every department of the state; the new courtiers still emulating their more consistent brethren, whilst Monk and his wife took the lead in every species of rapacity and excess. The love of gain became the only stimulus to exertion, and the pretenders to favour were so numerous, that it was difficult to satisfy their claims. Connivance, therefore, in the extortions of inferior officers, supplied the deficiencies of the treasury, and the surest refuge from the royal vengeance, was found in the protection of some hireling, secured by the payment of an ample bribe †.

* Burke's Works, 8vo. VI. 46. Ludlow's Mem. 385. Burnet's Hist. I. 130—132. Edinburgh Review, XVIII. 278, Aug. 1811. See also Clarendon's Life, 8vo. 1759. II. 317—343, and Memoirs of Count Grammont.

† Burnet's Hist. I. 134—138. Ludlow's Mem. 390. Mem. of Hutchinson, 422.

"I believe," said Lord Northumberland, in a letter to the Earl of Leicester, Nov. 2, 1660, "I shall not be

But while Sydney declined all compromise with this pernicious system, he was not insensible to the gratification which his father would experience on the restitution of the royal power. He congratulated him, therefore, successively, on resuming his place among his peers, and his seat in the privy council; and, in all his further prospects, he heartily wished him success. But his lordship continued, for the most part, in his happier and more dignified retirement, aloof from the honours and misconduct of the court. His domestic happiness, indeed, had received a severe shock by the death of his lady, August 19, 1659; and Sydney had so far sympathized in his

very delicate in attending either the parliament house or the council table, finding myself grown too old for the gallantries of a young court."

And again, on the 8th of December, his lordship resumed, "The business that entertains the thoughts of most persons, of what degree, sex, or age soever, is the getting of money; and, if all that pretend to favours, or advantages from the court, should be successful in their designs, the king would soon be made poor, or the kingdom be much burthened." Sydney Papers, II. 700, 701.

sorrow, as to offer, in a most affectionate letter of condolence, from Copenhagen, in the following November, to leave his own important charge with a view of mitigating his regret *.

On his arrival at Hamburgh, Sydney was much struck with the fortifications, which, though begun when he first accompanied his father into Holstein, had been very recently completed. The citizens, however, abhorring war, on the sound principles of commercial policy, were always more ready to purchase peace, when assailed, than to risk the evils inseparable from a siege. But this practice, so conformable to their motto, *Da pacem domine in diebus nostris*, frequently exposed them to the rapacity of their neighbours. Lubeck, a city of inferior strength, so celebrated in the days of the Hanseatic alliance, was now falling gradually to decay, in consequence of the

* Sydney Papers, II. 683—690. Letters, 5—13. Collins, 437.

impolitic exclusion of all persons who dissented from the religion of the state*.

At Hamburgh, Sydney lodged at the house of one Myssenden, a lawyer, who, being secretary to the English company, had shewn him many courtesies during his residence in the north. Finding him desirous of employment, as a confidential agent to the British government, he recommended him strongly to his father, as a man of ability and discretion, in good credit amongst his neighbours, and in every respect fitted for the work; adding that he should certainly have engaged him for the commonwealth, if he had found him less attached to the royal cause†.

On the death of Charles Gustavus, Sydney had been alarmed lest Christina, the abdicated Queen of Sweden, returning to the Lutheran religion, might endeavour to occasion some disturbance in that realm.

* Sydney Papers, II. 696. Letters, 22.

† Sydney Papers, II. 699. Letters, 25.

His suspicions were increased by her leaving Rome soon after, and hastening, with a small retinue, to the north. Anxious, perhaps, to discover her intentions, he accompanied Terlon, who was also on his route from Denmark, to meet her about half a league from Hamburgh, and returned with her to that city in her coach. From her conversation, however, he soon found that, though she intended to be at Stockholm against the approaching diet, she was engaging in no great designs; for she plainly told him, that "there was only one place for her in Sweden, and, having resigned that, she could neither pretend to it again, nor content herself with any other." Sydney, who had formed a very favorable opinion of her understanding, and regarded her as a friend to liberty, was more easily induced to believe these professions, from the obvious impossibility of her succeeding in any ambitious scheme; when the senate and nobility were so deeply interested to oppose her, from their superior influence in a minor's reign. He

was convinced, therefore, that her only business was to procure the settlement of two hundred thousand dollars, her yearly revenue, which of late had been irregularly paid. The queen, however, was prevailed upon to remain at Hamburgh, till Terlon, who had orders from his court to serve her, should receive an answer to his letters, concerning her security and reception at Stockholm: a precaution rendered necessary, from the fears of the new government, and fully justified by the event; since she was compelled to make a second resignation, before her revenues were confirmed *.

In his progress southward, unknowing and unknown, Sydney remarked the general desolation caused by the thirty years war in Germany, and the burthens to which the people were in consequence obliged to submit. He was struck with the extreme barrenness of the territory of

* Sydney Papers, II. 685, 696. Letters, 8, 23. Thurloe, VII. 896. Parliamentary Intelligencer, No. 34.

Lunenburgh; the poverty, wretchedness, and inattention to comfort, which pervaded those of Brunswick and Hesse; with the fierceness of the lower orders, and the military aspect, which the gentlemen's houses, situated on some bleak and scarcely accessible eminence, usually displayed. He found a milder and more fertile climate, as he approached Frankfort on the Mayne, producing ordinary fruits in great abundance, and a wine grateful to the palate, though not in much request. He was also pleased with the appearance of this city, superior in size and strength to any through which he had passed on his route. Unable, from the want of language, to converse with the majority of his fellow travellers, his means of information were confined; but among persons of quality he spoke French, and addressed himself in Latin to the clergy, whom he found extremely ignorant in every other respect *.

* Sydney Papers, II. 696—699. Letters, 23—25.

Disliking the conversation and manners of Germany, and unwilling to indulge a disposition to melancholy by too much seclusion, Sydney resolved to pass the winter in the more cultivated society of Italy, before he finally determined on his future residence. And now, when, after a long and anxious expectation, on the eve of his departure from Frankfort, he received a letter from his father; he found it written in a style of reproach, unwarranted by his conduct, and ill adapted to the feelings of a wounded heart. His pecuniary circumstances were embarrassed, from the assistance which he had given to Lord Strangford, and the expenses of his recent employment; and, whilst his own estates were deeply mortgaged, a small bequest, assigned to him by his mother, was unpaid. Uncertain, therefore, as to the means of his immediate support, deserted by his friends, and under a deep impression of his father's anger, he had some thoughts of offering his services to the Emperor Leopold, then engaged in a war against the Turks. On

further consideration, however, he persevered in his first design, and allowing time to reflect more calmly on his situation, he proceeded by way of Venice towards Rome *.

The chief management of his affairs in England was entrusted to Sir J. Temple, master of the rolls in Ireland, an old friend of his father's; with whom, notwithstanding some difference in their political attachments, he had been long and most intimately connected. This respectable lawyer, availing himself of the privileges of friendship, delicately, yet strongly, remonstrated with Lord Leicester, on the cruelty of his present conduct, which might drive his son to desperation, and, if no attention was paid to his difficulties, prevent all chance of his recovery †.

* Sydney Papers, II. 700. Letters, 26. Familiar Letters. Sir John Temple's Letter, Nov. 21, 1660, MSS. See Appendix VI.

† Sir John Temple's Letters, MSS. See Appendix VII.

The triumphant royalists, meanwhile, encouraged by the servility of the parliament, and the public infatuation, had taken a most sanguinary vengeance on their prostrate enemies. The exceptions to the general amnesty had been so much increased, during its progress through the two Houses, that, instead of seven, the number to which at first they were expressly limited, they extended to almost every consistent republican, even of those who were not immediately accessary to the execution of the late king. And of such as had taken an active part in that proceeding, there were many who, confiding in a proclamation which clearly implied their personal safety, had surrendered for the preservation of their estates. A commission for their trial was notwithstanding issued, directed to thirty-four persons, fifteen of whom had been actually in arms against the royal cause. And, amongst these, not only Monk, now created Duke of Albemarle, but even the Earl of Manchester and Lord Hollis, two of the first instigators

to resistance, were not ashamed to sit. The prisoners, however, evinced the most heroic firmness, and, amid frequent interruptions, boldly vindicated their own conduct; and inculpated the apostates, who now sate in judgment on their fate. Being convicted and condemned, some of the most obnoxious were selected for execution, and put to death with all the barbarities, which the law, in cases of high treason, prescribes. But the intrepidity, and even cheerfulness, with which they suffered every aggravation of cruelty, astonished their enemies, and, exciting the compassion of the people, prevented the immediate repetition of such scenes. The death of Scroope, who had surrendered on the proclamation, and of the military officers employed in their professional duty, has been almost universally condemned: nor can the fate of their associates, after the general acquiescence of the nation, be defended on any plea of justice or necessity, even if the public faith had been less violently infringed. The other prisoners were

confined for life in solitary dungeons, or transported to some distant island. And many even of those, who had escaped the first proscription, were afterwards harassed to death by the most unwarrantable persecutions *.

When Sydney was informed of these proceedings, he saw more than ever the pro-

* State Trials, V. 947—1364. Ludlow's Mem. 400—414. Mem. of Hutchinson, 373—447. Burnet's Hist. I. 232—234. Kennet's Register, 272—286. Toland's Life of Harrington, in his Works, 4to. 1771. XXVII.—XXXIII.

The persons put to death on this occasion were Harrison, Carew, Scot, Scroope, Clements, and Jones, members of the High Court of Justice; Cook, solicitor for the parliament; Axtell and Hacker, who had successively commanded the guards at the trial and execution of the deposed king; and Hugh Peters, an independent minister, who had warmly approved of his sentence. The amiable and accomplished Hutchinson, who, although one of the king's judges, was not excepted from the bill of indemnity, and Harrington, the author of *Oceana*, were afterwards arrested and thrown into prison, on the most frivolous pretences. Hutchinson died in an unwholesome place of confinement, and Harrington acquired a malady which afflicted him through life.

priety of his own conduct, in placing so little reliance on the professions of Monk, and in seeking an asylum among strangers: and that his enemies might have no pretence for molesting him, he fixed his residence at Rome, as a place ill adapted for any sort of active hostility, at least from that party, with which he had been steadily engaged. "I think," said he, in his first letter from that city, November 29, 1660, "the counsel given me by all my friends, to keep out of England for a while, doth too clearly appear to have been good, by the usage my companions have already received, and, perhaps, will be yet further verified by what they will find. Nothing doth seem more certain to me, than that I must either have procured my safety, by such means as Sir Arthur Haslerig is said to have used *, or run the fortune of some others, who have shewn themselves more re-

* Sir Arthur Haslerig had narrowly escaped exception, as to life, from the readiness with which he had surrendered his garrisons to Monk; and died a prisoner in the Tower. Kennet's Register, 136.

solute. I hope my being here will, in a short time, shew that the place was not ill chosen, and that besides the liberty and quiet which is generally granted to all persons here, I may be admitted into that company, the knowledge of which will very well recompense my journey. I am here well enough at ease, and believe I may continue so. Unless somebody from the court of England doth think it worth their pains to disturb me, I see nothing likely to arise here to trouble me. I do not here see those signs of ease, satisfaction, and plenty, that were in Pope Urban's time. But that little concerns strangers; the company of persons excellent in all sciences, which is the best thing strangers can seek, is never wanting." And again, on the 22d of December, he resumed, " I chose this place, as that wherein I might most certainly disentangle myself from all business. I sought nothing here but rest and good company. I find reason to hope I may enjoy the one without molestation, and I do not know whether any place in the

world doth afford the other in greater perfection *."

At this period, Alexander VII. a pontiff of whose character Sydney seems to have formed a very favorable opinion, was seated in the papal chair. Having been induced to exchange a private station at Sienna for holy orders, in consequence of some verses which he had written in praise of Urban VIII. he had been rapidly promoted; and, on his elevation to the *tiara*, had rewarded the services of Pallavicini, the first author of his fortunes, with the rank of cardinal, and many other proofs of his regard. Although indulgent to his nephews, a fault too common in his peculiar situation, his impositions were moderate, compared with the rapacity of his immediate predecessors; whilst his love of peace, though it exposed him to the charge of weakness and incapacity, was a proof of his moderation and good sense. Punctual in the discharge of all his duties, he at-

* Apology, 3. Sydney Papers, II. 700, 701. Letters, 26, 27.

tended personally to the performance of many ceremonies, where a deputy had been usually employed. He was an elegant rather than a profound scholar; and possessing more wit than judgment, was chiefly conversant in history, poetry, and other branches of polite literature. Of a gentle though somewhat melancholy disposition, he was free from any grosser vices, and amiable in all the relations of his private life. And, although in his sixty-third year, he displayed few traces of approaching age, and took much exercise in his rural walks at Gandolpho, a castle pleasantly situated about twelve miles from Rome *.

Pallavicini, his friend and confidant, one of the most learned members of the sacred college, was a man whose merit and ability did honour to his patron's choice. In opposition to the celebrated work of Sarpi, better known by the name of Father Paul, he had published a *History of the*

* Mosheim's Ecclesiastical History, V. 100. Sydney Papers, II. 704—718. Letters, 31—48.

Council of Trent. "If you have it not," said Sydney to his father, December 19, "I will send it; and if your lordship please, will make a collection of such other books as are most esteemed here, and I can guess will be most agreeable unto you. No work that hath come to light, since that of the Cardinal Baronius, is thought fit to be preferred before this of Pallavicini. It will be an ornament to your library, as the author of it is to the consistory. Others of the same order receive an addition of honour from the purple conferred upon them; he confers honour upon the purple by receiving it. His personal merit adds lustre unto his dignity, and every one doth confess he deserves to advance one step further, unto that only seat which now is above him; but the name of a *jesuit* doth for ever exclude him*."

Sydney being fortunately introduced to this eminent man, on his arrival at Rome,

* Sydney Papers, II. 701. Letter, 27.

became successively acquainted with many other members of the sacred college, particularly with Chigi, nephew to the pontiff, who treated him with much respect. "I have already visited several cardinals," said he, in his letter, November 29, 1660; "to-morrow I intend to pay the same respect to Cardinal Chigi, nephew to the pope. He hath already granted me the liberty of waiting upon him, which was signified to me by another eminent person of the same robe and degree. They are all generally civil, and I ask no more. The most eminent persons that I have yet seen, are the Cardinals Pallavicini, Azzolini, and a *Carmelitano scalzo*. I have found few persons that I can think equal to them. Cardinal Francesco Barbarini is very little changed since I formerly saw him. Though he is old, he is so fresh and strong, as to be likely to live many years." Again, January 8, he resumed, "I have visited nine or ten of that order, some of them the most extraordinary persons that I ever met with, others equal with the rest of the world.

With some I pretend only the performance of a civility, and desire only a little knowledge of them; with others I seek a straiter conversation, and by frequent visits endeavour to gain it. The two cardinals, Francesco and Antonio Barbarini, are very much changed in fortune, little in person, since I was here last. The Cardinal Chigi is a young man of good countenance, well behaved, pleasant humour, good wit, but more a friend to pleasure than business. Sacchetti and Spada are the most esteemed for civil prudence, and best deserving to be pope; but the first hath been twice repulsed, and the other hath such a multitude of nephews, that though the seat were vacant, it is not thought that either of them would be chosen. The most learned are said to be Pallavicini and Albizzi. Azzolini, at the age of thirty-six years, hath already gained the reputation of as good a head as any is in Italy. He is the chief of the *squadrone volante*, the principal instrument in setting the crown upon this pope's head; and, according to the phrase here,

his vote is one of the best in the college. I do most frequently visit him of any, and have received great civilities from him."— "I have much more acquaintance," continued he, on the 8th of February, "amongst the prelates than the nobility of this place. The Ursini, Colonni, Savelli, and others of the most ancient Roman families, have lost all the vigour and virtue of their ancestors. Their most remarkable qualities are now pride, laziness, and sensuality. I do not find that those of the other robe want any quality that makes men estimable; and they are so far from that looseness of life, of which they have been formerly and ordinarily accused, that I have not seen any of that order do an indecent thing, nor speak a loose word; and yet I mark them as narrowly as I can. There is a great alteration of that kind for the better, since I was here last *."

Conceiving that his father might wish for

* Sydney Papers, II. 700—705. Letters, 26—32.

some further particulars respecting men of whom he often spoke so highly, he afterwards sent him a detailed sketch of the character of twelve cardinals, drawn up with equal spirit and ability, and displaying his superior penetration and acuteness*.

In the society of men, at once so intelligent and respectable, Sydney endeavoured for a time to forget his own misfortunes, and the more hapless situation of his friends. Notwithstanding the increased price of every article of subsistence, since his former residence in Italy, yet temperance and frugality were so much in fashion, that he was enabled to live respectably at a small expense. The foolish prating of some priests, and especially, of one Plunket, a young Irishman, who represented him as an *atheist*, and the only remaining enemy of their sovereign, might have exposed him to inconvenience or to danger,

* See his Letter of April 25, 1661, in Sydney Papers, II. 712—715. Letters, 42—46.

if he had not found defenders amongst the higher clergy, who considered such inferences as unwarranted by his conduct, and altogether foreign to their jurisdiction. "These are but very slight vapours," said he, "and if nothing comes from England to my prejudice, I will easily blow them away." And when some enquiry was made into his character through the internuncio in Flanders, the answer was highly favorable; as his conduct towards the papists in his own country had been neither illiberal nor oppressive. Being free from every sort of religious enthusiasm or bigotry, he occasionally attended some of the most magnificent ceremonies of the church of Rome; whilst his mind recoiled from selfish policy in the holy see, and from absurdities gravely maintained*.

As few strangers, except priests, were allowed any means of information respecting the motives and conduct of the papal

* Sydney Papers, II. 702—709. Letters, 27—39.

court, their reports, either from interest or prejudice, were ever liable to suspicion. Sydney, therefore, availing himself of the opportunities afforded in conversation, endeavoured, impartially, to develope the character and principles of those cardinals, who were either distinguished by their talents and influence in the present government, or who might eventually look forward to the possession of St. Peter's chair. Amongst many supposed competitors, whose claims are occasionally noticed in his letters, but whose names soon ceased to command attention, Mazarini stands pre-eminent, since his wealth and reputation alone could have surmounted the difficulties, by which his pretensions were opposed. But the pope, though subject to frequent indisposition, appeared likely to disappoint all expectations, which were founded on the prospect of an early choice*.

The hopes and fears excited by the pro-

* Sydney Papers, II. 700—711. Letters, 30—47.

bable success of Mazarini were soon removed by his death, in March, 1661, and gave place to a discussion of its important consequences on the affairs of France. "Some good judges," observed Sydney to his father, March 22, "considering the disposition of the French king and nation, think a governing minister necessary to the one, and that the other will hardly submit to any unless it be a prince of the blood or a cardinal. The interest of court goes directly against the persons and quality of the first; and of the second order it is hard to find a fit person. The Cardinal de Retz is thought to merit that honour; but to leap immediately from banishment, confiscation, and proscription, to government, is a change not to be expected, even from the extravagance of fortune. Besides, none doubt but that the friends of his dead enemy will persecute him with all possible asperity. And though they will not, perhaps, have power to chuse his successor, they will have enough to exclude him that he so mortally hated. The three principal

persons of the French faction here, are the Cardinals d'Este, Antonio Barbarini, and Grimaldi; they are also named; but there are such strong exceptions against each of them, that few persons think any of them will be chosen. Some speak of Cardinal Mancini; but his natural incapacity doth so certainly exclude him, that I do not believe he hath the least pretension. If the king would take one of the *squadrone volanté*, it were easy to find a man that would be without exceptions in his person, and perfectly free from any interest prejudicial to that of France. But nothing is more improbable, than that a man known only by reputation, should be chosen for so great a work. I speak in this the fancies of others. I have no other opinion of my own, than that he will be chosen that can find most favour with the ladies, and that can with most dexterity reconcile their interests, and satisfy their passions. I look upon their thoughts as more important, than those of the king and all his council; and their humour as of more weight than

the most considerable interest of France; and those reasons which here appear to be of most force will not be at all regarded *."

The obsequies of Mazarini were celebrated at Rome with great solemnity, in a little church which he had built, where a funeral oration was delivered by *Pere Leon*, a French carmelite, of much learning, and ability in state affairs. Sacchetti, the early patron of the deceased, who had been his steady friend and eulogist, now evinced the sincerity of his attachment, by expressing nobly, the highest respect for his memory and sorrow for his death. And Spada, to whom Sydney, in conversation, had contrasted the violence of Richelieu with the artifice of Mazarini, afterwards wrote these verses, upon a medal representing both their portraits, and in allusion to the Gordian knot:

" Magnus uterque fuit; dignos sed vindice nodos,
" Richelius secuit, Julius explicuit."

* Sydney Papers, II. 707. Letters, 35.

The pope was much pleased with the conceit; but one of the cardinals, no friend to either party, shrewdly observed, that it would have been better if he had said *Julius implicuit*. The death of Mazarini, indeed, afforded a fertile subject to the wits of Rome, where public characters were canvassed with much freedom and asperity. On this occasion also, a Franciscan friar, who had concerted the revolt of Portugal with Richelieu, wrote a satyrical epitaph, which Sydney inclosed to his father. And even, in his life-time, it had been questioned, in a company of gentlemen, "whether Mazarini or Don Luys di Haro had done most mischief to Spain*."

Sydney was also witness to the declining influence of the Jesuits, and the attacks to which they were, in consequence, exposed. "Last week," said he, in a letter of the 18th of April, "at a time when

* Sydney Papers, II. 706—716. Letters, 34—47.

all the cardinals were at several churches, a gentleman put into every one of their hands a printed memorial, and retired immediately before they could read it. Being examined, it was found to be a most bitter invective against the Jesuits, as persons that set up a commonwealth among themselves, independent of, and destructive to, the pope's supremacy; representing them as little better than politic heretics, and with such sharpness, full of such truths, as they cannot deny in particular, though they protest against any such end. The Cardinal Franciotti was the first that sent this paper unto the general of the order concerned in it; some others did afterwards follow his example. It is thought to be written by some of the same order, as containing secrets that could hardly come to the knowledge of others. Some think that the Cardinal Pallavicini doth not dislike this, that brings his brethren into some trouble, for there are some things in practice amongst them, which he is said not to approve of; and the sharp visitation, which

displeased them so much last year, is looked upon as his work *".

Sydney was no less attentive to the manners and customs of the people, than to the practice of the court of Rome. "The skill of preserving health," said he, May 2, "is in great perfection in this place, exercised most upon old men. Little physic is used; things that are cooling and desiccative are mostly chosen. Their rules are reduced to these two principal heads, a slender diet and much exercise. An old cardinal the other day told me, that in other places exercise was good, *citra sudorem*, but in Rome, by reason of the grossness of the air, it must be used *usque ad sudorem*. Besides the natural desire of living long and well, they are invited unto a more than ordinary care, by hopes of advancing their fortune; few attaining unto any great matter here until they come to be old. Cardinal Sacchetti is now in his

* Sydney Papers, II. 709. Letters, 37, 38.

seventy-fifth year, and doth ordinarily walk three or four miles without resting, by which means he enjoys a prosperous health, and preserves his wits fresh and clear as in his youth *."

But, notwithstanding the resources of a powerful mind, and the variety of new objects which successively engaged his attention, Sydney was still deeply impressed with the ruin of his party, and his own misfortunes. Deserted by his country, his family, and his friends, defrauded by his servants, and treated with ingratitude and injustice by Lord Strangford and his sister, his keenest sensibilities were awakened. The displeasure of his father, above all things, occasioned him the liveliest regret, and he endeavoured to regain his lordship's affection by repeated marks of attention and regard. His letters, therefore, so often quoted, repeatedly display the anguish of his mind; and shew that

* Sydney Papers, II. 716. Letters, 48.

the severer virtues, for which alone he has been hitherto renowned, were united to some of the finest feelings of the heart. "Though it is long since I heard from your lordship," said he, December 22, 1660, "and the contents of the last letter I received were such as gave me little expectation of having others, or reason to think mine would be acceptable unto you, I esteem it my duty to continue writing, until I do, by some more indubitable testimony, find your lordship hath so far rejected me, as to be unwilling to hear of me or my concernments."—"I hear," continued he, on the 8th of January, "from some of my friends, that your lordship had been desired to do that business for me which hath been often mentioned, and that may be easily settled, upon the composure of that with the Lord Strangeways; and your lordship's answer was, I had made a provision for myself, and discharged you of that care. If there be no difference in living, but he that hath bread hath enough, I have some hopes of finding a provision

for a longer time than I mentioned. If there be no reason for allowing me any assistance out of the family, as long as there is a possibility for me to live without it, I have discharged you. If those helps are only to be given to those, that have neither spirit nor industry in any thing to help themselves, I pretend to deserve none. Or if supplies are only the rewards of importunity, or given to avoid the trouble of being solicited, I think I shall for ever free you from that reason. And, as I have for some years run through greater straits, than I believe any man of my condition hath done in England since I was born, without ever complaining, I shall with silence suffer what fortune soever doth remain unto me. I confess I thought another conclusion might reasonably have been made upon what I had said, but I leave that to your lordship's judgment and conscience. If you are satisfied in yourself, you shall not receive any trouble from *me* *."

* Sydney Papers, II. 701, 704. Letters, 27, 30.

The indignant warmth, with which Sydney thus disclosed his feelings, soon subsiding, in his subsequent correspondence, he assumed a milder and more becoming tone of remonstrance. "I hear," resumed he, on the 18th of April, "that your lordship hath some suspicions concerning me; if I might know in what, I do upon my word promise your lordship, to let you know my thoughts punctually without either dissimulation or reserve. Sir John Temple speaks something of your lordship's laying down the money for the two mortgages upon Swingfield. I confess that is more than I could have desired of your lordship, but if you will please to favour me so much in the ruin of my fortune, as to take off that burthen, so that I may have that land free for my subsistence, I shall as long as I live endeavour to deserve it; and that is all the argument I can give to persuade you, unless I should add, that at my age, growing very near forty, and giving marks of declining by the colour of my hair, it is time that I had something which

I may call my own, out of which I may in rest have bread, when fortune hath taken from me all means of gaining it by my industry." And again, on the 2d of May, he observed, "I did intend to have said no more; but it is a folly to conceal the evils that oppress me. I have with difficulty written this; and the troubled thoughts into which the letters received by the last post have cast me, give me not easily the liberty of saying more. The misfortunes into which I was fallen, by the destruction of our party, did not shake me. The cheats and thefts of servants were too ordinary to trouble me. I suffered my mother's legacy to be drawn from me, upon which I might have subsisted a good while. I was not very much surprized to find myself betrayed and robbed, by the destruction of all that with which I had trusted Lady Strangford; but I confess that I am sorely troubled to find, that Sir John Temple is going into Ireland: the agreement which he had so often said should be made with Strangford broken, from which I might expect some

part of what is due unto me to live upon; and the mortgage to the Earl of Thanet, which I was so often promised should be taken off, to continue upon Andrews's land. By all these means together, I find myself destitute of all help at home, and exposed to all those troubles, inconveniences, and mischiefs, unto which they are exposed; who have nothing to subsist upon, in a place far from home, where no assistance can possibly be expected, and where I am known to be of a quality, which makes all low and mean ways of living shameful and detestable. These are part of the evils with which I find myself encompassed, and out of which I see no issue; nor can I make one step that is not as likely to prove my destruction as preservation. It will not, I think, be thought strange that I am sensible of them, since he that is not must be an angel or a beast: my only hope is, that God will some way or other put an end to my troubles or my life*."

* Sydney Papers, II. 709, 717. Letters, 38, 49.

In the mean time, Sydney had given his father various proofs of his unaltered affection, writing to him continually, and offering him such services as his present situation allowed. "According to my custom," said he, February 8, "I give your lordship this testimony of my being alive, which I think necessary, since your lordship gives me no sign of remembering I am so. Letters from hence can be of little other use either to your lordship or me. Though I have some advantages in conversation which are not usually allowed unto strangers, I cannot attain to the knowledge of great businesses, and the little common things are hardly worth relating. I must send such as I have." Again, March 22, he continued, "I wrote to your lordship last week; since that time I have not been negligent in making the best enquiry I can after such books, as I do hope will please your lordship. I have not yet a complete list of them, but by the next post I hope to send it." And, April 18, he resumed, "I have written to my correspondent at Frankfort

for Sir Philip Sydney's picture. I could not send your lordship a thing of less value than my own, but since Sir John Temple says your lordship would have it, I will send it. If you please to have any thing else provided here, that will be an ornament to your new buildings, as pictures, statues, marble tables, or mosaic work, I shall most diligently provide such as your lordship shall please to command me *."

So great, indeed, was the confidence which Sydney reposed in his father, that, even at the time when he was suffering most acutely under a sense of his displeasure, he readily signed two deeds sent out to him, to invest his lordship with the right of redemption in some small estates, relying on his honour and integrity to take no undue advantage of the concession. And when the earnest remonstrances of Sir John Temple, who, after his departure for Ireland, still continued his attentions, had at length induced Lord Leicester to send him

* Sydney Papers, II. 704—709. Letters, 31—38.

a remittance, Sydney, in grateful acknowledgment, immediately offered him the choice of any of the mares or colts which he had left in England, and of which he had formerly possessed an ample store *.

As the summer advanced, when other strangers were retiring from the city, Sydney availed himself of the kindness of Prince Pamfili, nephew to the late pope Innocent X., who offered him apartments in his Villa of Belvidere, near Frascati. Cardinal Sacchetti had also offered him a rural retreat; shewing that attention to an exile in misfortune which became his elevated rank. "Whilst every body at Rome," said Sydney, June 13, soon after his removal, "is panting and gasping for life in the heat, which they say this year is much greater than ordinary, I enjoy so fresh an air, as to have no reason at all to complain of the sun. Here are walks and fountains in the greatest perfection, and though my natural

* Sydney Papers, II. 721. Letters, 55. Sir John Temple's Letters, MSS. See Appendix VIII.

delight in solitude is very much increased this last year, I cannot desire to be more alone than I am, and hope to continue. My conversation is with birds, trees, and books: in these last months that I have had no business at all, I have applied myself to study a little more than I have done formerly; and though one who begins at my age cannot hope to make any considerable progress that way, I find so much satisfaction in it, that for the future I shall very unwillingly, though I had the opportunity, put myself into any way of living that shall deprive me of that entertainment. Whatever hath been formerly the objects of my thoughts and desires, I have now intention of seeking very little more than quietness and retirement." And, again, on the 3d of July, he resumed, "I know nothing of what is done in the world, and have retired hither that I might know nothing, unless it be that which relates unto England; my friends there do, as it seems, think the knowledge of that would disturb my solitude, by making me as

much a stranger unto all that is done there, as to the affairs of China. I left Rome, where I had made a great deal of acquaintance, to avoid the necessity of making and receiving visits, and live now as a hermit in a palace. Nature, art, and treasure can hardly make a place more pleasant than this. The description of it would look more like poetry than truth. A Spanish lady, coming not long since to see this house, seated on a large plain, out of the middle of a rock, and a river brought to the top of the mountain, with the walks and fountains, ingeniously desired those that were present, not to pronounce the name of our Saviour, lest it should dissolve this beautiful enchantment. We have passed the solstice, and I have not yet had occasion to complain of heat, which in Rome is very excessive, and hath filled the town with sickness, especially that part of it where I lived. Here is what I look for, health, quiet, and solitude. I am with some eagerness fallen to reading, and find so much satisfaction in it, that though I

every morning see the sun rise, I never go abroad until six or seven of the clock at night; yet cannot I be so sure of my temper, as to know certainly how long this manner of life will please me. I cannot but rejoice a little to find, that when I wander as a vagabond through the world, forsaken of my friends, and known only to be a broken limb of a shipwrecked faction; I yet find humanity and civility from those who are in the height of fortune and reputation. But I do also well know, I am in a strange land, how far those civilities do extend, and that they are too airy to feed or clothe a man. I cannot so unite my thoughts unto one object, as absolutely to forbid the memory of such things as these are to enter into them: but I go as far as I can; and since I cannot forget what is passed, nor be insensible to what is present, I defend myself reasonably well from increasing or anticipating evils by foresight. The power of foreseeing is a happy quality unto those who prosper, and can ever propose to themselves something of greater fe-

licity than they enjoy; but a most desperate mischief unto them, who, by foreseeing, can discover nothing that is not worse than the evils they do already feel. He that is naked, alone, and without help in the open sea, is less unhappy in the night, when he may hope the land is near, than in the day, when he sees it is not, and that there is no possibility of safety.—Whilst I was at Rome, I wrote letters without much pain, since I had not so divided my time as to be very sensible of losing an hour or two: now I am alone, time grows much more precious unto me, and I am very unwilling to lose any part of it. I think this a lawful excuse for writing seldom to your lordship, only when I have nothing to say that you can care to hear; if it were otherwise I would wave all respects to entertain you. I need make small apologies to my other friends; their silence commands mine."—"Whilst I was at Rome," he continued, July 24, "I thought it more probable your lordship would have me write than not, because I had sometimes something to say, that,

perhaps, you would not be unwilling to hear; but that now failing, I am inclined to think my silence would please you best, and therefore am persuaded to make my packets fewer and lighter than formerly. I have very little to say, because I neither do any thing, nor know what is done by others. I intend this half burial as a preparative to an entire one; and shall not be much troubled though I find, if upon the knowledge of my manner of life, they who the last year at Whitehall did exercise their tongues upon me, as a very unruly headed man, do so far change their opinion of me, on the sudden, as to believe me so dull and lazy as to be fit for nothing. When that opinion is well settled, I may hope to live quietly in England, and then shall think it a seasonable time to return. I have some inclinations, this autumn, to go to Naples, and from thence to Sicily and Malta, to pass the winter in some of those places, and return to Rome in the spring. It is not usual for me to look so many months beforehand, nor possible to extend my

sight any further. I must, then, know from my friends at home, whether it be yet time to return thither: I have ever had it in my thoughts to chuse that before any thing; but if it be still inconvenient for me to take that resolution, I must then think of making another pause at Rome, or some other place, that may prove convenient *."

It would have been pleasing to trace the further progress of Sydney's mind in retirement, and to accompany him on his first return to active scenes; if a chasm in his correspondence had not prevented the acquisition of materials for minute detail. The anguish of his mind was no doubt relieved, by the receipt of a letter from his father, whom so many proofs of his attachment, and the earnest remonstrances of Sir John Temple, had at length prevailed on to resume a kinder tone. And, his literary occupations leading him once more into the field of political enquiry, he sent his lordship a manuscript *Discourse* in the

* Sydney Papers, II. 718—721. Letters, 51—54.

Italian language, transcribed, if not actually composed, by himself. This manuscript, bound in vellum, is still preserved in the library at Penshurst; and, though marked by the Earl of Leicester as the work of an unknown author, has been regarded by others as the production of Sydney, whose name appears in a disguised cypher at the end *.

But while Sydney continued in the south of Europe, cautiously abstaining from all interference in the affairs of his own country, the persecution of his party was renewed. Three of the late king's judges, being treacherously seized in the United Provinces, were sent over to England, and put to death, in April, 1662. An act of still greater atrocity succeeded, in the judicial murder of Sir Henry Vane; who, however obnoxious to the royalists, from his steady adherence to the parliament, had taken no direct part in the prosecution of Charles I. The House of Commons, there-

* MSS. Corr. See also *Discorso Politico, in lingua Toscano, incerto autore*, MSS.

fore, who, on the interference of Lord Clarendon, had reluctantly acquiesced in his exception from the general amnesty, had afterwards joined the Lords in a petition to the king for the remission of his punishment, if ever he should be sentenced to death. But though clearly absolved by the king's declaration at Breda, and again by his promise to the two Houses of Parliament on this occasion, the destruction of Vane was determined. And as, at his trial, he boldly vindicated his principles and former conduct; the king wrote immediately to Lord Clarendon, who stood pledged for his safety, to urge the danger of permitting him to live *.

* Ludlow's Mem. 417—422. Burnet's Hist. I. 237.

"Hamton Courte, Saturday, two in the afternoone.

"The relation that has been made to me of Sir H. Vane's carriage yesterday in the hall, is the occasion of this letter, which, if I am rightly informed, was so insolent as to justify all he had done, acknowledging no supreme power in England but a parl[t]: and many things to that purpose. You have had a true account of all, and if he has given new occasion to be hanged, certaynly he is too dangerous a man to lett live, if we can honestly put him out of the way; thinke of this, and give me some ac-

Other ways being resorted to against those who still escaped the royal vengeance, however unoffending their conduct, or remote their place of exile, Sydney soon found that his former actions were too well remembered, and that his retirement and discretion were but frail securities against the malice to which he was exposed. Deprived, therefore, of all reliance on the forbearance of his enemies, and escaping the dagger of the assassin only by the charity of strangers, he reluctantly quitted his retreat; and returned towards the north of Europe, that he might not be wanting to his public duty, whilst he was more conveniently situated for the management of his private affairs *.

counte of it to-morrow, till when I have no more to say to you. C. R."

See Heywood's Vindication of Fox's History of James II. Appendix, No. II.

General Lambert, who, being arraigned at the same time, had pleaded in extenuation of his conduct, was pardoned on condition of perpetual imprisonment, and survived his trial thirty years.

* Apology, 3. Ludlow's Mem. 425.

He left Italy in 1663, and, taking his route by Switzerland, passed three weeks with Ludlow and his companions in exile, at Vevay, assuring them of his friendship and affection, and in no respect declining to own the cause for which they suffered. At his departure, he presented Ludlow with a brace of pistols of Italian workmanship; and, proceeding to Bern, rendered them some good offices with the magistrates of that place, whom he assured of their gratitude for favours already received. He had a long conference with the advoyer about the affairs of England, and did not fail to insist on the obligation conferred, by such kindness and attention, on a large portion of his countrymen at home. He afterwards informed Ludlow of the favorable disposition of these magistrates, recommending some public acknowledgement to their excellencies, for the succour and protection they afforded them in a period of danger and distress *.

* Ludlow's Mem. 425.
The Swiss Cantons, as appears by a letter from Lord

On his arrival in Germany, Sydney procured a licence from the French government, then at war with England, dated at Vincennes on the 3d of August, to repair to Montpellier, but afterwards resolving to pass the winter in Flanders, he proceeded, in September, to Brussels. Here, in compliance with the wish of his father, his portrait was taken by Justus Van Egmondt, an eminent artist, supposed to have been the pupil of Van Dyck. This excellent painting, being sent to England, is still preserved at Penshurst, and, though now a good deal injured, expresses much of the sweetness and energy which so forcibly characterized him *.

Lisle to his father, November 6, 1649, had entered warmly into the views of the English republicans. "The parliament's declaration," said he, "made since the change of the government, hath been, as the council is informed, much approved of in many parts of the Swisses country; and the ministers there do publicly give God thanks for the establishment of the republic, and pray for it, upon which, I believe, an agent will be sent thither." Sydney Papers, II. 676.

* Collins, 152. Pilkington's Dictionary of Painters, 175. From this portrait a drawing was taken by Vertue, with

On the 11th of December, Sydney wrote a long letter to the Earl of Leicester, respecting the conduct of Lord Strangford, whose affairs were now hastening to a crisis*; and another, more immediately relating to himself. The asperity with which he was persecuted, obliging him to seek the protection of foreign princes, he looked forward to some honorable employment, and intended to pass the following summer in Hungary, as a volunteer. A proposal, therefore, being made to him, from a quarter on which he placed no great reliance, to engage in the service of the emperor, with

the permission of John Earl of Leicester, in 1727, which, being purchased by the celebrated Thomas Hollis, in 1754, is now in the possession of Dr. Disney. From this drawing Gausset modelled a portrait in wax; Natter engraved an intaglio on the reverse of a beautiful cameo of Britannia victrix, on a gem of five colours; and, by leave of the worthy possessor, an engraving has been prepared by Engleheart for the present work.

* When a bill for enabling the trustees of Lord Strangford to sell lands for the payment of his debts was passed in the House of Commons, May 10, 1664, a proviso was made in behalf of Algernon Sydney. Comm. Journ, VIII. 591.

a body of troops raised from amongst his old associates, he became anxious to know, from some higher authority, how far the government of England was disposed to countenance the design. He consequently requested his father to make enquiry into the grounds of this proposal, and after communicating his letter to Lord Sunderland, to proceed further at his own discretion. "If there be any thing of reality in the proposition," said he, "I can ascribe it only to the desire that those in power may have to send away those that are suspected by them. They shall have their end: I will serve them in it if they please, and upon more easy terms than will be expected by others. I will undertake to transport a good strong body of the best officers and soldiers of our old army, both horse and foot. Though the obtaining of this would be a very considerable advantage unto me, and some of my friends, I do not ask it as a favour; I know neither they nor I shall receive any thing upon that account. The first that I ever did ask, and the

least that I ever can ask, I mean the assurance of being permitted to live quietly a few months at Penshurst, not having been granted, I am like to make few requests for the future. But as I think that the advantage which the king expects, by ridding the land of those persons, is the motive upon which the offer was made, I believe it to be a very considerable one; for they who find themselves suspected may possibly grow unquiet; the destroying of them will be a work of time, and not without difficulty and danger; and it cannot be expected, that they will of their own accord leave their country, unless it be with some man of whom they have a good opinion, and all those are as little favored as I am.—If it be granted, I hope to carry those who will gain honour unto the nation, wheresoever they go, and either find fortunes or graces for themselves. I doubt your lordship will be unwilling to propose this, lest it should make the king or ministers believe, that I am upon better terms with my old companions than you would

have them think me. I desire your lordship to wave that scruple; I have credit enough with them for such a business as this is; and, if I were not thought at court to have far more than I have, they would not trouble themselves with me so much as they do. Whatsoever it is, I desire to make use of it, to carry me, and a good number of those in the same condition, so far from England, that those who hate us may give over suspecting us *."

But far from countenancing this proposal, as a means of getting rid of their opponents, the vindictive royalists were determined to drive them to despair. Sydney, therefore, was not only disappointed in his views of foreign service, by the interference of the court of England; but, in the autumn of 1664, very narrowly escaped assassination, at Augsburgh, by a timely removal from that place. Such repeated proofs of hostility, when so many

* MSS. Coxe. Sydney Papers, II. 725. Letters, 55, 56.

of his former associates, after a much more exasperating conduct, had been received into favour, naturally excited some surprize. But the cause was sufficiently explained, when he was told by a person well acquainted with the character of his persecutors, "that he was thus distinguished from the rest, because it was known that he could not be corrupted *."

In these circumstances, Sydney had recourse to the enemies of his country, from whom alone he could expect either favour or protection. The proceedings of the court had loosened every moral tie: and, in seeking to retrieve his ruined fortunes, and to put an end to the oppression of his friends and party, by the means of a foreign invasion, he only followed the examples, which all ages and all nations have presented, amongst exiles of distinguished fame. And though their prudence may be fairly questioned, their patriotism cannot reasonably be impeached. In addition to those who

* Apology, 4. Ludlow's Mem. 446.

fled upon the first proscription, the protestant states, on the continent, were now filled with victims whom the tyranny or intolerance of the English government had driven in numbers from their homes. Many of these had resorted to Holland, where their consultations might be less exposed to arbitrary interference, and their correspondence with their countrymen best maintained*.

When, therefore, in 1664, a new war broke out between Great Britain and the United Provinces, where the influence of De Witt was still predominant, many of the English exiles looked forward to a zealous co-operation in their favorite project of restoring the commonwealth. The tide of public opinion in England being once more turned against the court, very sanguine expectations were indulged, that the *cause* for which they had so long contended would eventually revive. These

* Burnet's Hist. I. 289. Dalrymple's Mem. I. 41.

hopes were encouraged from various quarters, as interest or affection might prevail: for whilst a few individuals might be perfectly sincere in their professions, the great majority in the states sought only to accomplish the immediate objects of their own dispute. In these circumstances, Sydney concurred with some of his companions in misfortune, whom he had joined at the Hague, in urging the Dutch government to attempt the invasion of their native land *.

On the subsequent accession of France to the designs of the United Provinces, the discourse of an invasion was renewed; with a view, no doubt, of promoting such divisions among the English, as might make their country a more easy prey. The assistance of the exiles, therefore, was again assiduously courted, and Sydney invited to repair, with Ludlow, to Paris, to conclude, under the auspices of the French government, a treaty, for the restoration

* Ludlow's Mem. 449—451. Burnet's Hist. I. 331.

of the commonwealth, which had been already projected at the Hague. The wary Ludlow, however, suspecting the sincerity of such allies, and resenting the treacherous seizure of his three friends, with the connivance of the states general, gave little encouragement to the design; and, notwithstanding a most urgent letter from his colleague, refused to quit his retreat. But Sydney, after some bickerings with Say, another exile, proceeded to Frankfort, where he had a conference with the French resident at Mentz, who, expecting the two delegates, had repaired thither by order of his government, for the express purpose of encouraging their journey *.

Being assured of his personal safety, Sydney, though disappointed of his friend's assistance, continued his route alone; and, on his arrival at Paris, submitted to the court his proposals for exciting an insurrection in England. But his demands were

* Ludlow's Mem. 451—453. Ralph's History of England, I. 116. Œuvres de Louis XIV. ii. 203.

not agreed to by that wily government, who thought a hundred thousand crowns too much to venture on the faith of an exile; at least till they had seen some disposition in his countrymen, to concur in the proposed scheme. Twenty thousand crowns, however, were offered to him, with a promise of all necessary assistance, when there should be a more certain prospect of success. This offer he prudently declined; and, at the close of the negociation, having secured the protection of the sovereign, he retired, from all further exertions, into obscurity in the south of France *.

The caution of Ludlow was fully justified by the event, as the King of France, on finding how easily the court of England could be managed, and the states general, on obtaining some commercial advantages, concluded a treaty at Breda, June 29, 1667, in which the cause of the exiles, so often deluded with their specious but in-

* Ludlow's Mem. 453. Œuvres de Louis XIV. ii. 204. Apology, 4. See Appendix, IX.

terested promises, was altogether abandoned. It could scarcely, indeed, be expected by any one, whose feelings did not far outrun his judgment, that the court of France should enter heartily into the views of men so decidedly hostile to all regal prerogatives, or that the Dutch, who had felt the prowess of a British commonwealth, should wish for the revival of its power *.

De Witt, however, whose sincerity was unquestionable, seems to have given little countenance to the proposed invasion. Jealous of the liberties of his own country, he was from principle attached to the cause of the English republicans, and wished them every possible success. But, as a statesman, he justly doubted the policy of the undertaking, being aware, with *Machiavelli*, how little reliance should be placed on the promises of exiles, where the interest of their party is involved. He had, in consequence, suggested to the

* Ludlow's Mem. 459.

states, at an early period of the contest, "that by engaging in such a scheme, they might provoke the resentment of France, and involve themselves in the incalculable evils of a protracted war; that there was no sufficient reason to expect a general rising against the English government, while the parliament continued so firm to the king; and that besides, the ruin of Holland must ensue from the success of the republicans, since many people would be then induced to exchange a country, requiring so great an expense to maintain it, for the plenty and security of a richer land." The leading object of his policy therefore was, to weaken the trade, and to destroy the fleets of England, in which he eventually succeeded very far beyond his expectation *.

In the meanwhile Sydney, availing himself of the good offices of Sir William Temple, the eldest son of his old corre-

* Burnet's Hist. I. 331. See also *Machiavelli, Discorsi*, l. II. c. 31.

spondent, recently appointed resident at Brussels, had informed his family of the place of his retreat. He had been acquainted with this able negociator from their early years, and no difference of principles or situation appears to have diminished their esteem. In acknowledging the receipt of his first letter, therefore, April 29, 1667, Sir William Temple regrets that either his disposition or his fortunes should have driven Sydney so far from the services, and even the correspondence of his friends; which would now be rendered still more difficult, by the expected progress of the French arms. He informs him also of the last intelligence, which he had received from England, and intimates, that, from the report of some travellers, he was already acquainted with his present abode*.

But, even in this solitary retirement, the name of Sydney was formidable to the

* Temple's Works, 8vo. Edin. 1754, III. 70.

English court. On hearing from Colbert de Croissy, the French ambassador, that he was at Paris, in August, 1670, Lord Arlington proposed that, in consequence of his pecuniary difficulties, a pension should be allowed him by the King of France: to which Charles assented, though there is no proof that it ever was received. At first, indeed, the king pretended that it was indifferent to him whether Sydney remained at Paris or elsewhere, provided he did not return to England, where his principles, his genius, and his courage might do harm. But soon changing his mind, he required that his *preserver* should return to Languedoc, since he could not be too far from home. A stronger instance of the superiority acquired by consistent virtue, over the mind of an execrable tyrant, cannot easily be produced: a king of England trembling at the name of an exile, in solitude and want, and invariably speaking of him as a man of ability and courage *.

* " Le roi me dit encore," said Colbert, in a letter of the 4th of August, " qu'il ne se soucioit pas que le dit

And, in his intercourse with the ruler of an arbitrary government, to whom he was indebted for an asylum, Sydney still maintained the lofty tone of independence, so congenial to his principles and views. The King of France having taken a fancy to a fine English horse, on which he had seen him mounted at a chase, requested that he would part with it at his own price. On his declining the proposal, the king, determined to take no denial, gave orders to tender him money or to seize the horse. Sydney, on hearing this, instantly took a pistol and shot it, saying, "that his horse was born a free creature, had served a free man, and should not be mastered by a king of slaves *."

Sidney demeuroit en Paris ou Languedoc, où en tel autre lieu qu'il lui plairoit, pourvu qu'il ne revient pas en Angleterre, ou dit-il ses pernicieux sentimens, soutenu d'autant d'esprit et de courage qu'il en a, pourroient beaucoup nuire."

But, on the 25th of the same month, he was told, "Qu'il etoit àpropos de le laisser retourner en Languedoc, et qu'il ne pourroit etre trop loin d'Angleterre." Dalrymple's Mem. II. 61.

* This anecdote has been frequently related on the authority of Dr. Francis Hutcheson of Glasgow.

At the same time, he seems to have kept up an occasional intercourse with Sir Wm. Temple, residing as ambassador at the Hague; where the Prince of Orange had been invested with the chief authority, as stadtholder, on the downfall and massacre of De Witt. But their correspondence was probably confined to expressions of mutual esteem: the want of a cypher avowedly narrowing the ambassador's communications, whilst no traces of Sydney's letters have been found *.

But although few notices remain of his proceedings, during the whole period of his exile, his mind must have been actively employed; and it is more than probable, that, pursuing his political enquiries, he digested the materials of his *Discourses concerning Government*, in this seclusion from more active scenes. No other portion of his life afforded adequate leisure for the important task, as his work is evidently the result of much reading and reflection, combined with a very accurate

* See Temple's Works, IV. 108, 131.

knowledge of the human character, as developed by the practice of mankind.

After a long interval, the Earl of Leicester, declining fast in health and strength, became anxious to see his son Algernon before he died; and the influence which his grandson, the Earl of Sunderland, had acquired in the royal councils, seemed favorable to the attainment of his wish. The court of France, also, interfered in enforcing the request, and, on the application of Henry Savile, the British ambassador at Paris, an assurance of safety was procured. On obtaining the king's passport, therefore, Sydney came over to England, in the autumn of 1677, intending to return to France, as soon as his chief object was accomplished, if any suspicions were entertained of his designs. The Earl of Leicester died on the 2d of November, at the advanced age of eighty-two; and, on the 7th, being still at Penshurst, Sydney gave a discharge to his lordship's executors for the legacies bequeathed to him, amounting only to five thousand one hundred pounds.

When preparing to return to his retirement, he was very unexpectedly detained: his eldest brother questioning his title to some property, which he had received from their father. He was obliged, therefore, to remain in England, during a long and vexatious suit in chancery, which finally established his claims *.

The parliament, elated with the recent marriage of the Prince of Orange to the Princess Mary, was now pressing the king to recommence hostilities against France. But Sydney, who more clearly saw the true interest of his country, earnestly dissuaded any warlike proceedings, though subjecting himself, by such conduct, to the imputation of being pensioned by a foreign power. To those, however, with whom he could speak unreservedly, he frankly declared his conviction, "that it was all a juggle, since, the two courts being in entire confidence, nothing more was intended by this shew of

* Collins, 152. Burnet's Hist. II. 362. Letters to Savile, 4to. 1772, p. 55—57. Apology, 4.

warfare, than to raise an army, and afterwards to keep it for training and modelling beyond sea." His long residence in France had afforded him many opportunities of unfolding the designs of that government, and the mercenary acquiescence of the English king. He was well acquainted with the agents employed in their mutual intrigues; and, towards the close of 1678, he is said to have opened a communication between Barillon, the French ambassador, and Lord Halifax, his relation by marriage, respecting the Earl of Danby's impeachment *.

The second parliament of Charles II. convened at a period of loyal infatuation, and chiefly composed of royalists, had long continued in the most servile adherence to the court. But, when the cruel and intolerant administration of Lord Clarendon had terminated in disgrace and exile, and the character of the nation had been deeply tarnished by the unprincipled intrigues of the *cabal*, a more dignified conduct was

* Burnet's Hist. II. 362. Dalrymple's Mem. II. 198.

displayed. The arbitrary principles, and crooked policy, of the king, becoming every day more and more apparent, and the fear of a popish successor exciting a very general alarm, a spirit of opposition was roused throughout the country, which found a responsive voice in both Houses of the legislature. Whilst the parliament remained subservient, it had been continued, as a useful instrument, in the hands of successive administrations; but when, assuming a more independent tone, the leading members had engaged in measures of decided hostility to the will of the sovereign, it was dissolved on the 24th of January, 1678-9, after an existence of eighteen years.

A new parliament being immediately convened, Sydney, who had now given up all hopes of a speedy return to the continent, from the slow proceedings in chancery, became a candidate for the borough of Guildford, in Surrey; where the influence of the court was found too powerful to ad-

mit of his success. He was warmly supported, however, by the popular interest, amongst whom the celebrated William Penn was one of his most strenuous partizans. But, whilst encouraging his friends at the hustings, Penn was interrupted by the returning officer, and, after an unlawful attempt to administer oaths to him, compelled to leave the court. This arbitrary interference, and the irregularities openly practised on the part of their opponents, rousing his indignation, Penn afterwards wrote to Sydney, urging him strongly to resist such undue influence, and to pursue his claims in a petition to the House of Commons. Sydney accordingly drew up a full and clear statement of his *case* respecting this election, and presented a petition, complaining of an undue return. His petition was referred to a committee of privileges and elections, on the 28th of March, 1669; but not thinking it worth while, perhaps, to bring his claims to a decision, he dropped all further proceedings*.

* Collins, 153. Commons' Journ. VIII. 578. See Appendices X. and XI.

But, although thus violently excluded from a seat in parliament, Sydney was by no means inattentive to passing events. His sentiments on the most important transactions of this period have fortunately been preserved, in his *Letters to Henry Savile*, to whom, notwithstanding his connection with the government, he disclosed himself without reserve. His obligation to this gentleman, for enabling him to revisit his own country, after so long an absence, was never erased from his mind; and gave rise to an intercourse highly honorable to both. In espousing the cause of a persecuted exile, Savile had shewn himself superior to all narrow views; and Sydney, when thus openly cultivating the friendship of a public minister, could scarcely be engaged in any secret cabals. His dissatisfaction with the proceedings of government, he saw no reason to conceal; and, in his general views and opinions, his correspondent might substantially concur *.

* Sydney's Letters to Savile were first published in 8vo. in 1741; and have since been inserted in the two 4to. ditions of Sydney's Works, 1763 and 1772.

The new parliament persisting in the prosecution of Lord Danby, the reduction of the army, and other measures of hostility to the court system, the king was prevailed upon by Sir William Temple to dismiss his old advisers, and appoint a new council on a broad basis, in which the leaders of the popular party were included. "You will, perhaps, be surprized," said Sydney, in a letter to Savile, on the 21st of April, 1679, "to hear, that yesterday the king did entirely dissolve his old privy council, and chose a new one, consisting of fifteen officers of the crown, ten lords, and five commoners; his majesty retaining unto himself the liberty of naming a president, calling such princes of the blood, as should be from time to time; and the secretary of Scotland, for the time being, if he thought fit; declaring, moreover, that whenever any place should be vacant, he would name none without the advice of the council; and that the person named should be called by a letter subscribed by them all. To which he was

pleased to add, that he would have no first or principal minister, no committee of foreign affairs, or cabinet council; but that in all things he would follow and rely upon their advice, next unto that of his great council, the parliament, which was also specified in the letter sent by his majesty for the calling of every one of them who are now to serve in council *."

But, though pleased with the introduction of several of his friends into office, and the public good, which, if united in their counsels, they might eventually accomplish, Sydney saw too clearly the seeds of discord, in such an incongruous assemblage, to augur very sanguinely from the change. He was sufficiently aware of the suspicions to which public men are invariably exposed, on the slightest deviation from their former principles, and of the danger of endeavouring to conciliate the esteem of different parties at the same time.

* Letters to Savile, p. 13. See also Burnet's Hist. II. 241.

"I do not find," resumed he, June 2, when addressing the same correspondent, "the new privy counsellors well at ease; and am not free from fear, that, whilst they endeavour to keep fair with both parties, they may give distaste to both." And again, on the 9th of the same month, after noticing the rumours of the day, he adds, "These suspicions go too far, and already reach some of your friends and mine, to such a degree, that counsellors are rather said to be changed than councils; and, if they do not find a way to cure that sore, at the next meeting of parliament, they will be looked on as their predecessors." The statesmen, for whose characters Sydney felt most anxiously on this occasion, were Lord Halifax, the brother of his correspondent, and the Earls of Sunderland and Essex *.

It is somewhat singular that Sydney,

* Letters to Savile, 36, 37. See also Letters to the same, April 21 and May 12, p. 16, 31.

after so long and so intimate a connection, with the adherents of the see of Rome, in other countries, should have entered warmly into the prosecution of the popish plot, notwithstanding the very doubtful evidence which alone could be adduced in its support. It is no less difficult, indeed, to reject all belief in the existence of some secret cabals among the papists, than to receive implicitly the incoherent stories, by which the popular ferment was kept up. There was probably some truth, though strangely mixed with absurdity and falsehood, in the details of this singular affair: the eagerness of the informers to enhance their own importance, and the credulity of the multitude, being alike adverse to all sober investigation. The virulence, however, with which the papists were pursued by liberal men, at this period, will appear the less surprizing, if compared with the unaccountable prejudices which still remain: when their connection, with a party hostile to all public freedom, has

long ceased, and, after the discussions of a century, the sacred rights of conscience are far better understood *.

The Duke of York, whose attachment to the tenets of this obnoxious sect, had increased the general alarm, was, at this time, banished from the realm. But, being still an object of serious mistrust throughout the nation, the House of Commons, rejecting every other expedient, proceeded in a bill for his exclusion from the throne, as a papist; and prohibiting, under the severest penalties, his return to, or correspondence with, his native land. Whilst this bill was in agitation, the public were divided in opinion, respecting the claims of the Prince of Orange and the Duke of Monmouth to the succession. "The first," said Sydney, "hath plainly the most plausible title, by his mother and his wife; but, besides the opinion of the influence it is believed the Duke of York would have over him, it is feared that the commonwealth

* Letters to Savile, 9—18.

party in Holland would be so frighted with that, as to cast itself absolutely into the hands of the King of France, who might thereby have a fair occasion of ruining both England and Holland. I need not tell you the reasons against Monmouth; but the strongest I hear alleged for him are, that whosoever is opposed to York will have a good party; and all Scotland, which is every day like to be in arms, doth certainly favour him, and may, probably, be of as much importance in the troubles that are now likely to fall upon us, as they were in the beginning of the last *.

The king, alarmed at such decided conduct, prorogued the parliament on the 27th of May, without the consent, or even the knowledge, of his council. "No man," said Sydney, in noticing this bold measure, "will avow having been the king's counsellor in this business; and some wonder that his Majesty, having promised, in constitut-

* Letter to Savile, May 5, p. 29. See also Letter to the same, May 19, p. 33. Burnet's Hist. II. 245.

ing the privy council, that he would in all things follow their advices, next unto those of the parliament, should so suddenly prorogue that great council, without so much as asking the other. This fills men with many ill humours; the parliament men go down discontented, and are likely, by their reports, to add unto the discontents of the countries, which are already very great; and the fears from the papists at home, and their friends abroad, being added thereunto, they begin to look more than formerly into the means of preserving themselves. Some that know matters better than I do, must tell you, whether we shall have the same parliament at the end of the prorogation, or a new one, or none at all. But I think, this or another will be found necessary; and if this be dissolved, another will be chosen of less inclinations to favour the court*."

* Letter to Savile, June 2, p. 34, 36.

At the close of this session, the king gave his assent to the *Habeas Corpus Act*, the greatest, and, indeed, the only measure favorable to the liberty of the subject, in which he ever unreservedly acquiesced.

But, in noticing these or any subsequent events to his correspondent, Sydney laid no claim to private sources of intelligence, since his friends, on succeeding to office, had frequently induced him to laugh at their secrecy and politic reserve. His views of the character and conduct of the government, appear, on the whole, to be judicious and liberal, and his statements, if compared with contemporary records, will be found substantially correct. In respect to the disturbances, which occasioned the Duke of Monmouth's mission to Scotland, he is more than usually diffuse; and his authority on that subject, has been more than once referred to, by the most judicious historian of the present age*.

The king, at the instigation of his brother, dissolved the parliament early in July. "This business," said Sydney, on the 16th of that month, "is wholly im-

* See Laing's History of Scotland, 1st ed. II. 84, 91. Letters to Savile, May 12, July 16, p. 31, 48.

puted unto your two friends, and the other that ever joins with them; but the king, finding it would not pass at council, takes it wholly upon himself; though that, as well as some other things of the like nature, is thought not well to agree, with what his majesty was pleased to declare; and the world looking upon this as the work of the three above mentioned, they begin to be spoken of, all over England, in the same manner as Danby: and, I fear, may be impeached, the next parliament, upon this point, and the war in Scotland, contrary, as is said, to an act of parliament in the year 1641. The new parliament is to meet on the 7th of October: there will be as great canvassing for places as ever; people believing this parliament was dissolved, only in hopes of having one, that would be less careful of the public interest. All men that wish well to it, think it necessary to employ all their industry, in endeavouring to make it better in that sense; and many believe they will effect it, though some probably will grow weary of the expenses of

elections, and the ways of preventing them as yet are not settled." And again, on the 8th of September, he resumed, "Though the parliament is like to signify little, people are busy in bringing those in, who are of their own mind; and the party that is most adverse to the court, seems to prevail in the counties and great corporations, as the other doth in many of the small boroughs; and, upon the whole matter, many believe the House will be composed as the last was, or, as some think, of a more harsh humour, the same men being something sharpened *."

Sydney now became a candidate for the borough of Bramber in Sussex, where he was again most strenuously supported by the influence of William Penn. Sir John Temple also, the younger son of his old correspondent, openly appeared on his behalf; and, as the spirit of the electors was strongly excited in his favour, he confidently looked forward to success. He was

* Letters to Savile, 47, 49.

defeated, however, by the exertions of his own family, who fearing, it is said, the impetuosity of his temper, or more probably afraid of his firmness and decision, had previously made their interest for his younger brother, Henry Sydney, at that time ambassador in Holland. The poll was closed by a double return, and, although Sydney thought himself duly chosen, when the parliament met, after repeated prorogations, in October 1680, his election was declared void *.

Sydney, however, had looked forward to a seat in parliament, as a situation of difficulty, from which little personal comfort or advantage could arise. "Nothing can be assured," said he, while the decision was still pending, "unless it be, that, as I and my principles are out of fashion, my inclination going one way, my friendship and alliance with those, that are likely to give occasion for the greatest contests, drawing

* Collins, 155. Letters to Savile, p. 50. See Appendix, XII.

another, I shall be equally disliked and suspected by both parties, and thereby become the most inconsiderable member of the House." The suspicions, to which his friends had exposed themselves, by their acquiescence in the court system, could not be very easily removed; and he had to lament that men, who had once been so generally esteemed, should have forfeited their high reputation. His doubts, respecting their influence with the sovereign, were also speedily confirmed, as the Earls of Essex and Halifax were dismissed from office, and the popular council dissolved *.

In the meanwhile the court, which had so reluctantly acquiesced in his return from exile, regarded Sydney with an evil eye, falsely ascribing the public discontents, which arose solely from their own misconduct, to his interference. Understanding that he had been accused to the king, as engaged in a plot of the *non-conformists*, he obtained an audience, and clearly exposed

* Letters to Savile, Sept. 8. Oct. 29, p. 51. Dalrymple's Mem. I. 53.

the absurdity of the charge; since nothing, he maintained, could be more repugnant to his feelings, than a measure which must eventually unite the papists and the crown. Yet his enemies persevered in their attacks, and, if the wretched scheme had not miscarried, designed to involve him in the *meal-tub-plot*. And, when he was merely looking over a balcony, to see what passed at an election of sheriffs, he was indicted for a riot in the city. After such repeated persecutions, conceiving his life in danger, he resolved to return to France, and when a favorable decree in chancery gave him hopes of speedily effecting his purpose, he purchased, in a friend's name, a small estate in that country *.

Sydney still reprobated every idea of a war with France, convinced that, from such hostilities, in the actual situation of the country, no possible advantage could arise. He therefore justly exposed the attempts of the Dutch ambassador, to influence

* Apology, p. 4.

the public mind by exaggerated statements, which gave, as he said, to some silly people, as silly a hope, that the peace would break, and the league be renewed against the French. "However," continued he, "I see no inclinations in discreet men here, to desire such a discomposure of things abroad, as should engage us to take any part in them, until our affairs are better settled at home than they are yet like to be*."

Sydney afterwards resumed the subject, in alluding to the secrecy of his ministerial connections, about his brother's mission to the Hague. "I long since found," said he, "that the design of sending Henry Sydney into Holland, was like the rest of Sir William Temple's projects, a matter of great depth, and kept so close, that not one of them would speak to me of it; but this day was a senight, a gentleman that came to see me, took a letter out of his pocket, newly come from Holland, wherein

* Letters to Savile, June 2, p. 36.

the whole end of his negociations is set out very plainly; which, in short, is understood to be no more, than, under the pretence of a guarantee, to draw Holland and Spain into a league with England, which may help the Prince of Orange with an occasion of breaking the peace lately made; which I believe will take effect, if the French can be persuaded to sleep three months, and take no notice of it; if the Louvesteine party in Holland, and their associates, can be brought to believe, the Prince of Orange thinks of advancing no interest but the public good of the country; and if our House of Commons can be so well satisfied, with the management of the last business in Flanders, as to be willing to raise a new army under the same conduct, and to believe one that is so raised, will conduce to the defence of Flanders, as much as the last *."

When, therefore, the design of this projected alliance, was defeated by the ac-

* Letters to Savile, July 10, p. 46.

tivity of D'Avaux, the French ambassador at the Hague, Sydney was neither sorry nor surprized. He knew the strength of the republican party in the states general, and the jealousy with which they regarded the Prince of Orange, whose proceedings he was no less inclined to view with anxiety, from his prospect of succeeding to the British throne. Nothing, in his opinion, could be more dangerous, than the success of such ill-grounded counsels, and he had repeatedly warned Lord Sunderland, and his brother Henry Sydney, of the probable event. "Although," said he, "the proposition being rejected, will certainly raise the party in Holland, which is least for the Prince of Orange, and cast it into a dependence upon France; that is less mortal unto us than a league, that would certainly have produced a rupture of the peace, renewed the war all over Europe, and exposed Flanders to be lost the first year, which this must have done; it being as certain the assistances expected from hence would have failed, as that it hath not in

itself that which is necessary for its defence *."

D'Avaux, indeed, had represented to Sydney, through one of the chiefs of the Louvesteine party, that the grandeur and power of France, which was made the pretext of this alliance, could not be more hurtful to the cause of the people in both countries, than the union of the Dutch and English governments, at a crisis when the Prince of Orange was so powerful. And Sydney in his reply had stated, "that being fully convinced of the propriety of this suggestion, he had communicated his opinion to a majority of the parliament with success; adding, however, that as the king of France was assisting Charles with considerable sums of money, which might render him at once independent of the parliament, and subservient to that country, an alliance with the states-general might, in turn, become expedient to controul his power. Hence it is evident that

* Letter to Savile, October 29, p. 50, 51.

Sydney, uninfluenced by any personal considerations, and aware of the insidious policy of the English court, was anxious only to ward off the impending danger, in whatever quarter it might arise *.

His sentiments, therefore, on the projected alliance, coinciding with the immediate interest of the French government, it is no wonder that Barillon should avail himself of the opportunity of conciliating his favorable dispositions, as Rouvigny had attempted with Lord Russell in a preceding year: and it was no easy matter for Sydney, to decline altogether the advances of a minister, whose country had afforded him an asylum in the time of need. The discovery, however, of their intercourse, as it appears in Barillon's correspondence with his sovereign, has been thought to cast a shade over his character, and bely the integrity of his mind. And yet, no evidence has been adduced to shew, that he countenanced any one of that ambassador's

* D'Avaux, Negociations, I. 8. See Appendix, XIII.

projects, which was hostile to the interest of his own country, or avowed a single sentiment inconsistent with his former life. Barillon, indeed, explicitly declares, that, though exposed to suspicion from his connection with Lord Sunderland, Sydney's principles were still unchanged *.

It must, however, be conceded, that the receipt of two sums of money, with which Barillon has separately charged him, admits not of an easy defence; though much no doubt depends, on the manner in which such sums were accepted, and the purposes to which they were applied. There is, in fact, an essential difference, between the mercenary hireling who betrays his country, and the man who receives money, from a quarter otherwise objectionable, at a great national crisis, and solely on a public account. But, whilst the demerit of the action, arises chiefly from the motives of the receiver, no explanatory documents have hitherto appeared: Barillon simply

* Dalrymple's Mem. II. 131, 257.

charging Sydney with the sums in question, as a part of his secret disbursements. The ambassador, indeed, insinuates, that, having hitherto given Sydney no more money than had been expressly ordered, he had by no means satisfied his demands; but should find it easy to engage him altogether in his master's interest, by advancing a still larger sum *.

As, in estimating the credibility of any single witness, every thing turns on the character and situation of the party; without disputing the general authenticity of Barillon's statements, his fidelity may be fairly questioned, in a case where he was doubly interested to deceive. He might at once be induced, to enhance the importance of his own services, by including such a man as Algernon Sydney amongst his adherents; and to charge, as the price of

* A. M. Sidney 500 guinées, *qui font*, 543l. 15s. sterling, Dec. 14, 1679.

Algernon Sidney, 500 guinées, Dec. 5, 1680.

Dalrymple's Mem. II. 257, 315, 317. See Appendix, XIV.

his engagement, sums which had been otherwise appropriated: a suspicion which derives additional weight, from two passages in the *Letters of Madame de Sevigné*, where he is said to have grown rich in his employ *.

Or, if Sydney received money from this minister, it was doubtless for some public purpose, as he is understood to have made occasional disbursements among his own inferior partizans. Even on this less probable view of the subject, his character may be free from stain; unless it be received as an indisputable maxim, that, in resisting the oppression of an arbitrary government, it is immoral to accept of foreign aid. In the general conduct of nations, it

* "Barillon a fait ici un grand sejour; il s'en va:—son emploi est admirable cette année; il mangera cinquante mille francs; mais il sçait bien où les prendre."—Lettres de Sevigné, Avril 20, 1672. 8vo. 1806, II. 209.

"Monsieur de Barillon est riche, gras, vieux, à ce qu'il dit, et regarde sans envie la brillante place de M. D'Avaux. Il aime la paix et la tranquilité au milieu de ses amis, et de sa famille, dont il est content." Id. Mars 21. 1689. VII. 71.

has rarely happened, that the best purposes have been effected, by the exertions of the pure and well-principled alone; and a man like Sydney should not be too harshly censured, if, in endeavouring to maintain his country's freedom, he occasionally sought for or derived assistance, from less disinterested and ingenuous minds.

But, admitting that the money was received on his own account, and that Sydney, like his king, was actually a pensioner of France, he was far less obsequious to her selfish schemes; since his services were confined, to negociating an intercourse between Lord Halifax and Barillon, for promoting Lord Danby's impeachment. In his subsequent interviews with the ambassador, at the distance of several months, their conversation consisted chiefly in a general expression of their sentiments on public affairs. Though Barillon had represented Sydney, in the first instance, as a man who might be very useful, if affairs should be brought to an extremity, he was

afterwards obliged to acknowledge, that he knew not in what manner his services could be applied. Sydney's influence with the leading men who opposed the court in parliament, which had been, at first, announced, to display his importance, was then narrowed into an intimacy with Sir William Jones, the ablest lawyer of his age, alone; and his connection with obscure and concealed persons, evidently brought forward, to cover the ignorance of a minister, who was unable to penetrate his real views *.

Of the arrogant pretensions of Barillon, Sydney had been long aware; and, in alluding to his mistaken views of his own influence, had spoken of him to Savile, in the language of unfeigned contempt.

* Dalrymple's Mem. II. 255, 257, 280.

"Le service que je puis tirer de M. Sidney, ne me paroit pas, car son commerce est avec des gens obscurs et cachés; mais il est intime ami du Sieur Jones, qui est l'homme le plus sçavant dans les loix d'Angleterre: il sera chancelier si le parti opposé à la cour est superieur; et que le Comte de Shaftesbury se contente de quelque autre place." BARILLON AU ROI, Dec. 5, 1680.

"You know," said he, July 10, 1679, "Monsieur de Barillon governs us, if he be not mistaken; but he seems not to be so much pleased with that, as to find his *embonpoint* increased, by the moistness of our air, by frequently clapping his hands upon his thighs, shewing the delight he hath in the sharpness of the sound, that testifies the plumpness and hardness of his flesh; and certainly, if this climate did not nourish him better than any other, the hairs of his nose, and nails of his fingers, could not grow so fast, as to furnish enough of the one to pull out, and of the other to cut off, in all companies, which being done, he picks his ears with as good a grace as my Lord La." It is probable, therefore, that Sydney merely tolerated the intercourse of this minister, without entering into any of his views of policy, as they regarded the interest of France alone. And, as his own aversion to the Dutch alliance, would lead him to embrace those views most heartily in that particular, he might fairly avail himself of the opportunity, of attempting

to remove the prejudices of the French court, to the establishment of a commonwealth in England, if a dissolution of the government should again take place. But, however singular the connection of such a man, for any purpose, with the minister of a despotic sovereign, may now appear; it should no longer be considered unnatural, for a king of France to be regarded as the practical friend of republican interests in other countries; when it is recollected how steadily that court supported the popular party in Holland, against the House of Orange, to the very eve of its own destruction; and the assistance which it afforded to the United States of America, in resisting the authority of Great Britain *.

Sydney's unaltered sentiments, respecting the advantages of a republican form of

* Letters to Savile, 46, 50. Dalrymple's Mem. II, 282, 312.

" Le Sieur Algernon Sidney, est un homme de grands vues, et de desseins fort elevés, qui tendent tous à l'etablissement d'une republique. Il est dans le parti des in-

government, which he avowed with a becoming force and openness on all occasions, rendered him a very unfit coadjutor, in those plans of courtly policy, which Barillon was commissioned to pursue. Whilst, therefore, it might suit the private views of that minister, to represent these desultory conversations, as the basis of an actual intrigue for the promotion of French interests; it is by no means probable, that a man of such high designs and principles, should have degraded himself into the mercenary hireling of a foreign court. It is necessary, therefore, to examine minutely the authenticity of those documents, on which the character of Sydney has been recently so much arraigned; and in admitting their substantial accuracy, to point out such explanations, as seem most consistent with

dependans, et des autres sectaires; et ce parti là fut le maitre dans les disordres passés: ils ne sont pas fort puissans présentement dans le parlement, mais ils le sont fort dans Londres; et c'est par l'intrigue, du Sieur Algernon Sidney, que l'un des deux echevins, nommé Bethel, a été elu." See also Appendix, XV.

the dignified tenor of his conduct through life *.

When Charles, on the dissolution of the parliament convened at Oxford, in March 1681, issued a *Declaration*, justifying his conduct in these repeated exertions of the royal prerogative; an *answer* to it, entitled a *Just and Modest Vindication of the Proceedings of the two last Parliaments*, immediately appeared. The first sketch of this *Answer* was from Sydney's pen; although it was afterwards redrawn by Somers, and finally corrected by Sir William Jones. And yet, such was the fallen spirit of the nation that the union of such eminent abilities, in the composition of one of the best papers of the times, produced little public effect †.

* See Introduction to Lady Russell's Letters. Towers's Examination of the Charges against Lord Russell and Sydney, in Tracts, II. 218—272. Grainger's Biographical History, III. 215. Millar's Historical View of the English Government, III. 406—410. Rose's Observations on Fox's Historical Work, 150—155.

† Burnet's Hist. II. 308.

In reply to this paper, "*Reflections on a pamphlet*

Sydney's attention, at this time, was probably directed to the completion of his great design; as it appears, from several passages, that the *Discourses concerning Government* could not have received his last revision at an earlier day. A mind fraught with reading and reflection, and enlarged by personal observation of the manners and policy of different nations, eminently qualified him for the important theme. He had explored the whole range of history; and was alike conversant with the best writers on government, in ancient and in modern times. The most eloquent productions of Greece and Rome, and the barbarous records of darker ages, had been examined with attentive care; and the sublime speculations of Plato were combined with the more practical deductions of Grotius and Hooker, to enforce the conclusive reasoning of his work.

stiled a Just and Modest Vindication of the Proceedings of the two last Parliaments, or a *Defence of his Majesty's Declaration*, by the Author of the Address to the Freemen and Freeholders of the Nation," was afterwards published, in 1683.

The republican institutions of Greece and of Italy had, indeed, been most ably investigated by Aristotle and Machiavelli; but the only legitimate basis of government, *the consent of the governed*, had entirely escaped their research. It had, however, been noticed by Aquinas, and practically asserted, amid the popular commotions of various states. But, in the dawn of the reformation, when the authority of sovereigns over the sacred rights of conscience, began to be questioned, this principle was more successfully maintained. The same age had witnessed the labours of Buchanan and Languet, who may justly claim precedency among the advocates for public freedom, in vindicating its true principle, as founded in the general will. The Jesuit Mariana, rising superior to the prejudices of his order, had also supported this theory, though not unmingled with some of the most obnoxious tenets of his sect*.

* See Buchanan, de Jure Regni aqud Scotos. Languet, Vindiciæ contra Tyrannos. Mariana de Rege et Regis Institutione, et de Mutatione Monetâ.

When the tyranny of Charles I. had driven the British nations to resistance, the doctrine was no longer new: and during the triumphs of the commonwealth, the origin of government was investigated with new ardour and increased ability. The mighty mind of Milton was then strenuously exerted, in defending the republican principle; while the ingenious speculations of Harrington were founded, on the conclusions which it necessarily involved. And so deeply rooted was this principle, in the minds of its conscientious supporters, that numbers consistently adhered to it, even when the prospects of their party were most heavily overcast. The *patriarchal scheme* of Filmer, on the other hand, had been eagerly adopted by the royalists; and, ridiculous as it may now appear, was very generally regarded, as a just and sufficient foundation for all the claims of monarchical power*.

* See Milton's Political Works. Harrington's Works. Filmer's Patriarcha.

A wish to dispel this strange illusion had early occurred to the mind of Sydney; and, having devoted his retirement at Penshurst to preliminary researches, he, in all likelihood, employed his subsequent seclusions in digesting the materials of his work. The arbitrary proceedings of the court, seemed once more to threaten a crisis, in which the friends of constitutional freedom would be obliged to make a stand. To unfold more liberal views of policy, and to point out the most effectual means of securing the rights and liberties of the people, were among the leading motives, which now urged him to the prosecution of his task; and he was anxious, no doubt, for the completion of his labours, before affairs should be brought to that extremity, when his principles should require to be practically asserted.

The refutation of Filmer, indeed, has now ceased to interest, since the staunchest advocates of royalty no longer found their arguments, on the wretched basis of his

scheme. But the clear views of the nature and origin of government laid down by Sydney, the arguments by which those views are supported, and the facts by which they are throughout illustrated, render the *Discourses concerning Government*, one of the most instructive treatises, which any age or nation has produced. Besides the examples derived from the ancients, or the free states of Italy, to which alone preceding writers had directed their attention, he enters into a review of the various schemes of Gothic policy, more especially of the Saxon institutions, by which the rights and liberties of Englishmen had been so long maintained. And, although the doctrine of moral obligations might seem foreign to his subject, he occasionally enforces, with great correctness, the social and domestic duties, particularly the duty of children to their parents, as arising from the benefits received in early life.

The following abstract, in his own words,

will afford a brief insight into the nature of his political theory.

"Man," Sydney contends, "is naturally free; cannot justly be deprived of his liberty without a cause; and does not resign it, or any part of it, unless it be in consideration of some greater good. This liberty, however, is not a licentiousness of conduct, but an exemption from all human laws, to which he has not given his assent. Nations have consequently a right to make their own laws, and to appoint their own magistrates, who owe them in return, an account of their actions.—Magistrates are distinguished from other men, by the power with which the law invests them for the public good;—and the people may proportion, regulate, and terminate that power, as seems most convenient to themselves.—As the work of a supreme magistrate is the highest, noblest, and most difficult, a more excellent virtue is required, in the person advanced to the charge; and he that is most excellent, is reasonably and naturally

to be preferred. The powers that can only be exercised, by such as are endowed with great wisdom, justice, and valour, can be rightly conferred on none, who do not excel in those virtues.—Law, which is said to be written reason, cannot justly exalt those whom nature has depressed, nor depress those whom nature has exalted. —All those that compose the society, being equally free to enter into it or not, no man could have any prerogative above others, unless it were granted by the consent of the whole.—And, when a people is, by mutual compact, joined together in a civil society, there is no difference, as to right, between that which is done by them all in their own persons, or by some deputed by all, and acting according to powers received from all.—For when a people has either indefinitely, or under certain conditions and limitations, resigned their power into the hands of a certain number of men, or agreed upon rules, according to which persons should, from time to time, be deputed for the management of their affairs,

the acts of those persons, if their power be without restrictions, are of the same value as the acts of the whole nation; and if their power be limited, whatever is done according to that limitation, has the same authority.—It is not the bare sufferance of a government, when the disgust is declared, nor a silent submission when the power of opposing is wanting, that can imply an assent or election, and create a right; but an explicit act of approbation, when men have ability and courage to resist or deny. And no nation being justly subject to any, but such as they set up, nor in any other manner, than according to such laws as they ordain, the right of choosing and making those that are to govern them, must depend wholly on their will.—The diversity of laws, covenants, or customs, proceeds from the variety of men's judgments, and implies that the direction of all such affairs depends upon their will. According to which, every people for themselves form and measure the magistracy, and magistratical power; which, as it is directed

solely for the good, has its exercises and extent proportionable to the command of those that institute it *."

"Some nations," he continues, "not liking the name of king, have given such a power, as kings enjoyed in other places, to one or more magistrates, either limited to a certain time, or left to be perpetual, as best pleased themselves; others, approving the name, made the dignity purely elective. Some have in their elections principally regarded one family as long as it lasted; others considered nothing but the fitness of the person, and reserved to themselves a liberty of taking where they pleased. Some have permitted the crown to be hereditary, as to its ordinary course; but restrained the power, and instituted officers to inspect the proceedings of kings. —They who aim at the public good, and wisely institute means proportionable and adequate to the attainment of it, deserve

* Disc. con. Gov. c. I. § 2, 16, 20. c. II. § 1, 5, 6, 7.

praise; and those only are to be disliked, who either foolishly or maliciously set up a corrupt interest, in one or a few men. While the foundation and principle of a government remains good, the superstructure may be changed according to occasions, without any prejudice to it.—As to popular government," he observes, " in the strictest sense, that is pure democracy, where the people perform all that belongs to government, I know of no such thing; and, if it be in the world, have nothing to say for it. In asserting the liberty granted by God to all mankind, I neither deny that so many as think fit to enter into a society, may give so much of their power as they please, unto one or more men for a time, or perpetually unto them and their heirs, according to such rules as they prescribe; nor approve the disorders that must arise if they keep it entirely in their own hands.—Nations may at the first set up popular or mixed governments, or, without the guilt of sedition, introduce them afterwards, if that which was first established prove un-

profitable or hurtful to them; and those, who have done so, have enjoyed more justice in times of peace, and managed wars, when occasion required, with more virtue, and better success than any absolute monarchies have done. In a popular or mixed government every man is concerned; every one has a part according to his quality or merit; all changes are prejudicial to all; whatever any man conceives to be for the public good, he may propose it to the magistracy, or magistrate; the body of the people is the public defence; every man is armed and disciplined; the advantages of good success are communicated to all; and every man bears a part in the losses. This makes men generous and industrious, and fills their hearts with love to their country *."

"When the regal power is committed to an annual or otherwise chosen magistracy, the virtues of excellent men are of use, but

* Disc. con. Gov. c. II. § 16, 17, 19, 21.

all does not depend upon their persons: one man finishes what another had begun; and when many are by practice rendered able to perform the same things, the loss of one is easily supplied by the election of another. When good principles are planted, they do not die with the person that introduced them; and good constitutions remain, though the authors of them perish.—While the laws and that discipline which nourishes virtue are in force, men of wisdom and valour are never wanting; and every man desires to give testimony of his virtue, when he knows it will be rewarded with honour and power.—Man naturally follows that which is good, or seems to him to be so. Hence it is, that in well governed states, where a value is put upon virtue, and no one honored, unless for such qualities as are beneficial to the public, men are, from their tenderest years, brought up in a belief, that nothing in this world deserves to be sought after, but such honours as are acquired by virtuous actions *."

* Disc. con. Gov. c. II. § 2, 3, 24, 25.

"All nations who have acted freely, have some way or other endeavoured to supply the defects, or restrain the vices of their supreme magistrates; and those who, by appointing means adequate to so great a work, have taken care that it might be easily and safely accomplished, deserve most praise. Such nations have always flourished in virtue, power, glory, and happiness, while those, who wanted their wisdom, suffered all manner of calamities, by the weakness and injustice of their princes, or have had their hands perpetually in blood, to preserve themselves from their fury.—He who is raised by consent from among the people, and placed above his brethren, receives great honours and advantages, but confers none. The obligations of gratitude are on his side, and whatever he does, in acknowledgment to his benefactors for their love to him, is no more than his duty; and he can demand no more from them, than what they think fit to add to the favours already received.—But though nations, for the most part,

owe nothing to kings till they are kings, and it can hardly be conceived, that any people did ever owe so much to a man, as might not be fully repaid by the honour and advantages of such an advancement; yet it is possible, that when they are made kings, they may, by their government, lay such obligations upon their subjects, as ought to be recompensed by obedience and service. There is no mortal creature that deserves so well from mankind, as a wise, valiant, diligent, and just king, who, as a father, cherishes his people, as a shepherd feeds, defends, and is ready to lay down his life for his flock; who is a terror to evil doers, and a praise to those that do well.—Men are naturally propense to corruption, and if he, whose will and interest it is to corrupt them, be furnished with the means, he will never fail to do it. Power, honours, riches, and the pleasures that attend them, are the baits by which men are drawn to prefer a personal interest before the public good; and the number of those who covet them is so great, that he, who

abounds in them, will be able to gain so many to his service, as shall be sufficient to subdue the rest. It is hard to find a tyranny in the world, which has not been introduced in this way; for no man, by his own strength, could ever subdue a multitude: none could ever bring many to be subservient to his ill designs, but by the rewards they received or hoped.—The name of tyrant in Greece, from whence the word comes, signified no more than one who governed according to his own will, distinguished from kings that governed by law; and was not taken in an ill sense, till those who had been advanced for their justice, wisdom, and valour, or their descendants, were found to depart from the ends of their institution, and turn that power to the oppression of the people, which had been given for their protection. They who trusted men, that appeared to have great virtues, with such power as might easily be turned into tyranny, might justly retract, limit, or abolish it, when they found it to be abused. And though no condition

had been reserved, the public good, which is the end of all government, had been sufficient to abrogate all that should tend to the contrary. As the malice of men, and their inventions to do mischief, increase daily, all would soon be brought under the power of the worst, if care were not taken, and opportunities embraced, to find new ways of preventing it *."

"The supreme magistrate has usually a part assigned him in the administration of justice, and making war; but, that he may know it to be assigned, and not inherent, and so assigned, as to be employed for the public good, not to his own profit or pleasure, it is circumscribed by such rules, as he cannot safely transgress.—And though there is found more virtue and prudence in one nation than in another, that magistracy, which is established in any one, ought to be obeyed, till they who made the establishment think fit to alter it. All,

* Disc. con. Gov. c. II. § 30. III. § 1, 4, 6, 7.

therefore, while they continue, are to be looked upon with the same respect. Every nation, acting freely, has an equal right to frame their own government, and to employ such officers as they please. The same name is frequently given to those, who differ exceedingly in right and power; and the same right and power is as often annexed to magistracies that differ in name. —He that is set up for the public good, can have no contest with the whole people, whose good he is to procure; unless he deflect from the end of his institution, and set up an interest of his own in opposition to it. This is in its nature the highest of all delinquencies, and if such a one may be judge of his own crimes, he is not only sure to avoid punishment, but to obtain all that he sought by them.—The good magistrate seeks the good of the people committed to his care, that he may perform the end of his institution: and knowing that chiefly to consist in justice and virtue, he endeavours to plant and propogate them; and by doing this, he procures

his own good, as well as that of the public. He knows there is no safety where there is no strength, no strength without union, no union without justice, no justice where faith and truth, in accomplishing public and private contracts, is wanting. This he perpetually inculcates, and thinks it a great part of his duty, by precept and example, to educate the youth in a love of virtue and truth, that they may be seasoned with them, and filled with an abhorrence of vice and falsehood, before they attain that age, which is exposed to the most violent temptations, and in which they may, by their crimes, bring the greatest mischiefs upon the public. He would do all this, though it were to his own prejudice. But as good actions always carry a reward with them, these contribute in a high measure to his advantage. By preferring the interest of the people before his own, he gains their affection, and all that is in their power comes with it; whilst he unites them to one another, he unites all to himself: in leading them to virtue, he increases

their strength, and by that means provides for his own safety, glory, and power *."

"They who uphold the rightful power of a just magistracy, encourage virtue and justice; teach men what they ought to do, suffer, or expect from others: fix them upon principles of honesty; and generally advance every thing that tends to increase the valour, strength, greatness, and happiness of the nation, creating a good union among them, and bringing every man to an exact understanding of his own and the public rights. These are always such as excel in virtue, wisdom, and greatness of spirit. They have eyes, and will always see the way they go, and, leaving fools to be guided by implicit faith, they will distinguish between good and evil, and chuse that which is best. They will judge of men by their actions, and by them discovering whose servant every man is, know whether he is to be obeyed or not.—If the public safety be provided for, liberty and

* Disc. con. Gov. c. III. § 10, 12, 14, 19.

property secured, justice administered, virtue encouraged, vice suppressed, and the true interest of the nation advanced, the ends of government are accomplished; and the highest must be contented with such a proportion of glory and magistracy as is consistent with the public: since the magistracy is not instituted for any person placed in it for the increase of his majesty, but for the preservation of the whole people, and the defence of the liberty, life, and estate of every private man*."

"Such is the imperfection of all human constitutions, that they are subject to perpetual fluctuation, which never permits them to continue long in the same condition. Corruptions slide in insensibly, and the best orders are sometimes subverted by malice and violence. We are not therefore so much to inquire after what is most ancient, as that which is best, and most conducing to the good ends to which it was directed. Laws and constitutions ought to

* Disc. con. Gov. c. III. § 19, 21.

be weighed; and whilst all due reverence is paid to such as are good, every nation may not only retain in itself a power of changing or abolishing all such as are not so, but ought to exercise that power according to the best of their understanding, and in the place of what was either at first mistaken or afterwards corrupted, to constitute that which is most conducing to the establishment of justice and liberty. Some men have proposed a necessity of reducing every state, once in an age or two, to the integrity of its first principles; but they ought to have examined whether that principle was good or evil, or so good that nothing can be added to it, which none ever was. Those who will admit of no change, would render errors perpetual, and depriving mankind of the benefits of wisdom, industry, experience, and the right use of reason, oblige all to continue in the miserable barbarity of their ancestors*."

* Disc. con. Gov. III. 25. See also *Machiavelli Discorsi*, III. c. I.

"As no government can be so perfect, but some defect may be originally or afterwards introduced, none can subsist, unless they be from time to time reduced to their first integrity, by such an exertion of the power of those for whose sake they were instituted, as may plainly shew them to be subject to no power under heaven, but may do whatever appears to be for their own good. And, as the safety of all nations consists in rightly placing and measuring this power, such have been found always to prosper, who have given it to those from whom usurpations were least to be feared; who have been least subject to be awed, cheated, or corrupted; and who, having the greatest interest in the nation, were most concerned to preserve its power, liberty, and welfare. This is the greatest trust that can be reposed in men. If this power be not well placed, or rightly proportioned to that which is given to other magistrates, the state must necessarily fall into great disorders, or the most violent and

dangerous means must be frequently used to preserve their liberty *."

Although every private man, singly taken, be subject to the commands of the magistrate, the whole body of the people is not so; for he is by and for the people, and the people is neither by nor for him. The obedience due to him from private men, is grounded upon and measured by the general law; and that law, regarding the welfare of the people, cannot set up the interest of one or a few against the public. The whole body, therefore, of a nation cannot be tied to any other obedience, than is consistent with the common good, according to their own judgment; and, having never been subdued, or brought to terms of peace with their magistrates, they cannot be said to revolt or rebel against them, to whom they owe no more than seems good to themselves, and who are nothing of or by themselves more than other men.

* Disc. con. Gov. c. III. § 27.

If governments were instituted to gratify the lusts of one man, those could not be good that set limits to them; but all reasonable men confessing, that they are instituted for the good of nations, they only can deserve praise, who, above all things, endeavour to procure it, and appoint means proportioned to that end*."

"The great variety of governments, which we see in the world, is nothing but the effect of this care; and all nations have been, and are, more or less happy, as they, or their ancestors, have had vigour of spirit, integrity of manners, and wisdom to invent, and establish, such orders, as have better or worse provided for this common good.—They who create magistracies, and give them such name, form, and power, as they think fit, do only know, whether the end, for which they were created, be performed or not. They who give a being to the power which had none, can only judge, whether it be employed to their

* Disc. con. Gov. c. III. § 36.

welfare, or turned to their ruin. They do not set up one or a few men, that they and their posterity may live in splendour and greatness, but that justice may be administered, virtue established, and provision made for the public safety. This is so fully confirmed, by the general consent of mankind, that we know no government, that has not frequently either been altered in form, or reduced to its original purity, by changing the families or persons who abused the power, with which they had been entrusted *."

Such are outlines of a theory, in which, Sydney, developing his views of the nature and origin of government, strenuously maintains the principles of civil freedom, as essential to the virtue and happiness of mankind. In the course of his argument, he forcibly exposes the mischievous effects and tendency of despotism, and the dangers, to which even the best disposed rulers are liable, when invested with unlimited power.

* Disc. con. Gov. c. III. § 36, 41.

He enlarges on the importance of some legal institutions, by which the rights of the people may be defended, and the tyranny or caprice of the sovereign, or his instigators, effectually controlled. And he contrasts the uncertainty and fluctuation of discretional power, with the beneficial influence resulting from the paramount authority of law. "It is not upon the uncertain will or understanding of a prince," said he, "that the safety of a nation ought to depend. He is sometimes a child, and sometimes overburthened with years. Some are weak, negligent, slothful, foolish, or vicious. Others, who may have something of rectitude in their intentions, and naturally are not incapable of doing well, are drawn out of the right way, by the subtilty of ill men, who gain credit with them. That rule must always be uncertain, and subject to be distorted, which depends upon the fancy of such a man. He always fluctuates, and every passion that arises in his mind, or is infused by others, disorders him. The good of a people ought to be established

upon a more solid foundation. For this reason the law is established, which no passion can disturb. It is void of desire and fear, lust and anger. It is *mens sine affectu*, written reason, retaining some measure of the divine perfection. It does not enjoin that which pleases a weak, frail man; but, without any regard to persons, commands that which is good, and punishes evil in all, whether rich or poor, high or low. It is deaf, inexorable, inflexible *."

Sydney, therefore, vindicates the propriety of resistance, whenever the sovereign, assuming a power above the law, converts the means of constitutional authority, into an engine of oppression or misrule. Regarding a mixed form of government, as preferable to any simple scheme, he conceived a nobility, interested in the welfare of their country, and inheriting the virtues of ancestors ennobled by their services, to be one of the firmest barriers

* Disc. con. Gov. c. III. § 15. See also Sir William Jones's Works, 4to. II. 43.

against the encroachments of arbitrary sway. And he maintained the right of the people to meet, by themselves or their representatives, for the general purposes of legislation and redress. "Many eyes," said he, "see more than one: the collected wisdom of a people much surpasses that of a single person, and though he should truly seek that which is best, it is not probable he would so easily find it, as the body of a nation, or the principal men chosen to represent the whole." Hence the forms of the English constitution, met his hearty approbation, as in most respects adapted to promote the public weal; although he considered the prerogatives of the crown, as disproportionate in the political balance, and deprecated the prostitution of honours, which had degraded the peerage, and the progress of corruption, which endangered the vital interests of the state *.

A perpetual recurrence to the same line of argument, and a repetition of what had

* Disc. con. Gov. II. 16. III. 4, 16, 27, 28, 31, 37, 38, 44.

been already fully and satisfactorily illustrated, form the principal defects of these *Discourses*. But the necessity of tracing the absurdities of Filmer, in their remote consequences, for the purpose of exposing them more effectually, involved the author in a desultory mode of composition. A few slight inaccuracies, also, may be found in his historical allusions, where he had trusted to his memory, instead of immediately referring to the original sources: inaccuracies justly pardonable in a work, which could not receive his final correction. The political views of Sydney, indeed, like those of ancient writers, being chiefly directed to the circumstances of the higher and middle classes of society, have little reference to the situation of the lower ranks; which, condemned to ignorance and labour, might suffer amid the conflicts of a political revolution, without profiting by the most fortunate event.

But it is no small value of the *Discourses concerning Government* that they preserve a

faithful transcript of the author's mind; and unfold his leading principles of action, in public and domestic life. Whilst the objections to this work are of little importance, dependent on situation and circumstances, its merits are pre-eminent and conspicuous, among those in which the general cause of the people has been strenuously maintained. Many striking passages might be adduced in illustration of these remarks: many in which the mischievous effects of arbitrary government, or the advantages of civil freedom and of law, are clearly and forcibly detailed. But the accumulation of extracts, foreign to the genuine purpose of biography, is inconsistent with the plan of these *Memoirs;* and the *writer* conceives, that the unity of his design will be more effectually preserved, by confining himself to such only, as convey the opinions of Sydney, on the leading characters and transactions of his times.

"It is not long," said he, "since a person of the highest quality, and no less famous for

learning and wit, having observed the state of England, as it stood not many years ago, and that to which it has been reduced since the year 1660, as is thought very much by the advice and example of France, said, that they were now taking a most cruel vengeance upon us, for all the overthrows received from our ancestors, by introducing their most damnable maxims, and teaching us the worst of their vices*."

"Notwithstanding the present pride of France, the numbers and warlike inclinations of that people, the bravery of the nobility, extent of dominion, convenience of situation, and the vast revenues of their king, his greatest advantages have been gained by the mistaken counsels of England, the valour of our soldiers unhappily sent to serve him, and the strangers of whom the strength of his armies consists: which is so unsteady a support, that many, who are well versed in affairs of this nature, incline to think, he subsists rather by

* Disc. con. Gov. II. 15.

little arts, and corrupting ministers in foreign courts, than by the power of his own armies; and that some reformation in the counsels of his neighbours, might prove sufficient to overthrow that greatness, which is grown formidable to Europe, the same misery to which he has reduced his people, rendering them as unable to defend him, upon any change of fortune, as to defend their own rights against him *."

"We have already said enough to obviate the objections that may be drawn from the prosperity of the French monarchy. The beauty of it is false and painted. There is a rich and haughty king, who is blessed with such neighbours as are not likely to disturb him, and has nothing to fear from his miserable subjects. But the whole body of that state is full of boils, and wounds, and putrid sores: there is no real strength in it. The people are so unwilling to serve him, that he is said to have put to death, above fourscore thousand of

* Disc. con. Gov. c. II. § 21.

his own soldiers, within the space of fifteen years, for flying from their colours; and, if he were vigorously attacked, little help could be expected from a discontented nobility, or a starving and despairing people *."

"Many princes, not having in themselves power to destroy their people, have stirred up foreign nations against them, and placed the only hopes of their safety in the public calamity. I wish our own experience did not too well prove that such designs are common. Let him who doubts this, examine the causes of the wars with Scotland in the years 1639, 1640; the slaughter of the protestants in Ireland, 1641; the whole course of alliances and treaties for the space of fourscore years; the friendship contracted with the French; frequent quarrels with the Dutch; together with other circumstances that are already made too public. If he be not convinced by this, he

* Disc. con. Gov. c. II. § 23.

may soon see a man on the throne, who had rather be a tributary to France, than a lawful king of England, whilst either parliament or people shall dare to dispute his commands, insist upon their own rights, or defend a religion inconsistent with that which he has espoused; and then the truth will be so evident as to require no proof*."

"Notwithstanding the seeming prosperity of France, the warlike temper of that people is so worn out by the frauds and cruelties of corrupt officers, that few men enlist themselves willingly to be soldiers; and, when they are engaged or forced, they are so little able to endure the miseries to which they are exposed, that they daily run away from their colours, though they know not whither to go, and expect no mercy if they are taken. The king has in vain attempted to correct this humour, by the severity of martial law. But men's minds will not be forced; and though his

* Disc. con. Gov. c. II. § 27.

troops are perfectly well armed, clothed, and exercised, they have given many testimonies of little worth*."

"Though I do not delight to speak of the affairs of our own time, I desire those who know the present state of France to tell me, whether it were possible for the king to keep that nation under servitude, if a vast revenue did not enable him to gain so many to his particular service, as are sufficient to keep the rest in subjection. And, if this be not enough, let them consider, whether all the dangers, that now threaten us at home, do not proceed from the madness of those, who gave such a revenue, as is utterly disproportionable to the riches of the nation, unsuitable to the modest behaviour expected from our kings, and which in time will render parliaments unnecessary to them †."

"France, in outward appearance, makes

* Disc. con. Gov. c. II. § 28. † Idem, c. III. § 6.

a better shew; but nothing in this world is more miserable, than that people, under the fatherly care of their triumphant monarch. The best of their condition is like asses and mastiff dogs; to work and fight; to be oppressed and killed for him; and those among them, who have any understanding, well know that their industry, courage, and good success, is not only unprofitable, but destructive to them; and that, by increasing the power of their master, they add weight to their own chains*."

"Our kings had not wherewithal to corrupt many, till within these last twenty years, and the treachery of a few was not enough to pass a law. The union of many was not easily wrought, and there was nothing to tempt them to endeavour it; for they could make little advantage during the session, and were to be lost in the mass of the people, and prejudiced by their own laws, as soon as it was ended. They could

* Disc. con. Gov. c. III. § 36.

not in a short time reconcile their various interests or passions, so as to combine together against the public; and the former kings never went about it. We are beholden to Hyde, Clifford, and Danby, for all that has been done of that kind. They found a parliament full of lewd young men, chosen by a furious people in spite of the puritans, whose severity had disgusted them. The weakest of all ministers had wit enough to understand, that such as these might be easily deluded, corrupted, or bribed. Some were fond of their seats in parliament, and delighted to domineer over their neighbours by continuing in them: others preferred the cajoleries of the court, before the honour of performing their duty to their country that employed them. Some sought to relieve their ruined fortunes, and were most forward to give the king a vast revenue, that from thence they might receive pensions: others were glad of a temporary protection against their creditors. Many knew not what they did when they annulled the triennial act; voted

the militia to be in the king; gave him the excise, customs, and chimney money; made the act for corporations, by which the greatest part of the nation was brought under the power of the worst men in it; drunk or sober passed the five mile act, and that for uniformity in the church. This emboldened the court to think of making parliaments to be instruments of our slavery, which in all ages past had been the firmest pillars of our liberty *."

When Lord Howard of Escricke was committed to the Tower, as the author of a treasonable libel, Sydney interested himself warmly in his affairs: managing every thing with zeal and attention, till the Attorney General, ashamed of his evidence, withdrew the indictment. Although at once indiscreet and immoral, Lord Howard was a most insinuating man, and had acquired the good opinion of Sydney, in a very high degree †.

* Disc. con. Gov. c. III. §. 45. † Burnet's Hist. II. 313. 362.

Whilst the other leaders of the popular party, or *Whigs*, as they were now called, had formed an intimate connection with the Duke of Monmouth, Sydney kept himself aloof; frankly declaring that it was indifferent to him, whether James, Duke of York, or James, Duke of Monmouth, succeeded to the throne. At length, however, Lord Howard contrived to remove his coolness, in this respect, by suggesting that "a prince with a defective title would be sure to govern well; considering himself at the mercy of the hereditary claimant, if, by neglecting the interest, he should lose the affections, of his people." He also brought them personally acquainted by practising a cheat on both; informing Sydney that "the Duke of Monmouth was resolved to come alone some day and dine with him;" and insinuating to the Duke, that "Sydney, to whose age and disposition some regard was due, desired it, that he might not seem to court his favour*."

* Burnet's Hist. II. 362. Apology, 11. State Trials, IX. 1069.

Sydney was, if possible, still less connected with the Earl of Shaftesbury, whom he at once disliked and despised. The versatile conduct of this nobleman, in his alternate connection with the court and people, had justly exposed him to suspicion: for, after bearing a part in the service of the commonwealth, he sat in judgment on his proscribed colleagues; and, after engaging in the most pernicious schemes of the sovereign, he became his most virulent opposer. Such inconsistency being repugnant to Sydney's nobler feelings, they regarded each other with mutual distrust; and, whilst his lordship took a lead in the measures of their party, no reciprocal intercourse was maintained*.

After the death of Lord Shaftesbury, however, in November 1682, Sydney no longer hesitated to engage in the counsels of his friends; and, through the Earl of

* Mem. of Hutchinson, 369, 384. Burnet's Hist. II. 72—75. State Trials, IX. 1069. Apology, 14. Dalrymple's Mem. I. 80.

Essex, whose confidence he had acquired, was induced to bear a part in the consultations of that nobleman, the Duke of Monmouth, Lord Russell, and the younger Hampden, on the situation of public affairs. By his persuasion, Lord Howard also was admitted into their confidence, although implicated in the wildest schemes of Lord Shaftesbury, and otherwise regarded with distrust. And, at a later period, with as much imprudence, they associated with Lord Grey of Wark. It is impossible to ascertain clearly the exact purport of their meetings, since the testimony of these two men, who alone have pretended to develope it, is liable to many serious objections*.

Alarmed at the rapid strides of despotism, the Whigs had resolved to avoid all active interference, while the nation continued regardless of the impending danger; unless, by the calling of a new parliament, the

* Burnet's Hist. 361. Grey's Sec. Hist. of the Rye-house Plot, 50—70. State Trials, IX. 490, 602, 849, 1065.

exertion of their influence should be required. The arbitrary measures of the court, meanwhile, had almost reached their acmé, and the privileges of the people had been grossly invaded, in the last election of sheriffs at Guildhall. In such circumstances, therefore, the attention of Sydney and his associates might be justly directed to the means of averting the danger, which threatened the extinction of their liberties. They might listen to Lord Howard's details of what had been, or might still be devised for the public good. A communication with their friends in Scotland being expedient, for their common safety, a messenger might be dispatched to collect information on the state of that country. And Sydney might loudly assert his preference of a republican scheme of policy, and even vindicate the legality of taking arms against an oppressive government, without any of the party involving themselves in acts of conspiracy or treason *.

* State Trials, IX. 187—298, 439, 602, 849, 1065.

Resistance had indeed become a matter of prudence rather than of morality, in the prevailing temper of the times; since the chains of despotism are more closely rivetted, by every injudicious attempt to break them. It is probable, therefore, that their attention was chiefly directed to the means of warding off the evils of a capricious tyranny, by submitting the public grievances to the early consideration of a parliament legally convened. This, however, was no easy matter to accomplish, against the influence of a reluctant court; and, when some of the party proposed, in a public declaration of their objects, to express a wish that matters might be happily accommodated, Sydney was well warranted in observing, that "when wise men drew their swords against their king, they laid aside the thought of treating with him." He no doubt had spoken boldly, and with unsuspecting confidence, the in-

Grey's Sec. Hist. 53, 59. Burnet's Hist. 348, 361, 383. Fox's History of the Reign of James II. p. 46.

dignant feelings of his heart, and his language was liable to very different constructions, according to the circumstances in which it was detailed *.

The intercourse of such distinguished men, could not long escape the notice of a jealous government, and was calculated to excite the royal vengeance on the first convenient pretence. Their names unfortunately had been too freely mentioned, in the cabals of Lord Shaftesbury's adherents, where many foolish, and some wicked projects, had been the subject of occasional discourse. Sydney, however, was not even personally acquainted with these men; whilst some of his associates had determined, to withhold all further confidence from Lord Howard, who alone, of all the party, had secretly fomented their proceedings †.

* Grey's Sec. Hist. 64. Burnet's Hist. 364. Harris's Life of Charles II. ii. 365—369.

† State Trials, IX. 669, 848. Burnet's Hist. II. 366—378. Grey's Sec. Hist. 57. Fountainhall's Memoirs. MSS. 232.

On the arrival of some Scotch gentlemen in London, in the beginning of April, 1683, and their suspected intercourse with Lord Russell, the vigilance of government was increased. Sydney was, in consequence, informed of a design to imprison him; and, on enquiring the reason, was told of some frivolous allegations, respecting persons whom he did not know. His informant, however, was firmly persuaded, that some occasion would certainly be found; and, if he were but once secured, the cause would be of little moment, since he could not possibly escape conviction, from such judges and juries, as the court was determined to employ*.

The Rye-house plot, in which the alleged assassination of the king and his brother, on their return from Newmarket, was artfully connected with the schemes of insurrection formerly devised by Lord Shaftesbury, at length furnished the de-

* Burnet's Hist. II. 364. Apology, 4, 4.

sired pretence. The town was full of rumours, Sydney's name was in every coffee-house, and he was again informed, from various quarters, of a design to arrest him. He mentioned it to several of his acquaintance, but, conscious of his own innocence, determined to remain at home; in which resolution he persisted, even after he had heard that one Rumsey had surrendered as a witness, and that the Duke of Monmouth had retired. And he felt himself so little interested in these occurrences, that he spent the morning of the 26th of June in his usual studies, or in receiving the visits of his friends *.

Whilst he was at dinner, however, he was arrested, by an order from the privy council, in the king's name; and, in the course of a few minutes, a second messenger arrived with an order to secure his papers. Finding nothing, after the most diligent search, in any place of conceal-

* Burnet's Hist. II. 274. Apology, 5.

ment, the messenger took possession of some manuscripts, which either lay upon the table, or beside it in an open trunk; and having packed them up, desired Sydney to affix his seal. This he positively refused, remembering what had passed on a similar occasion, and not knowing what might have been put in. On affixing his own seal, therefore, to the packages, the messenger promised that they should not be opened, except in Sydney's presence. In the sequel, however, the whole were carefully withheld from him, though more than once petitioned for, as containing papers which might probably conduce to his defence *.

When he was brought before the privy council, Sydney answered some questions 'respectfully, and without deceit;' but, on being further pressed, he replied, that "if they had any proof against him, he was ready to vindicate his conduct; but that

* Apology, 5. Lords' Journals, XIV. 390.

otherwise he would not fortify their evidence:" prudently declining to involve himself by any unguarded admissions. But, although there appeared to be no sort of evidence against him, to justify his further detention, he was committed a close prisoner to the Tower, on a charge of high treason, by a warrant signed on the preceding day *.

His commitment was contrary to law, in the first instance, and his confinement afterwards so rigorous as to affect his health. His money and bills of exchange in the hands of his banker, were seized, and his other property, even to his wearing apparel, taken possession of. His friends were denied access to him, and his servants prevented from carrying him a change of linen. And, notwithstanding repeated petitions to the king and council, he received no redress in these particulars,

* Burnet's Hist. II. 375. Apology, 5. Lords' Journals, XIV. 590. See Appendix, XVI.

till Ducasse, a Frenchman in his confidence, applying to Lord Halifax, obtained permission to visit and attend him *.

Lord Russell was already in custody; whilst Lord Howard, being still at large, went about protesting the falsehood of the charges, and his own ignorance and disbelief of the plot. At Sydney's house in particular, where, immediately after his arrest, he had applied to the servants to entrust him with the goods and plate, he called God to witness, that he knew nothing of the alleged conspiracy, and declared his conviction of their master's innocence, who had been in the habit of entrusting him with the knowledge of all his concerns. He, at the same time, expressed his obligation to Sydney in his former imprisonment, and observed, that he would rather do any thing than be a prisoner again. As he shewed great consternation, he was earnestly advised to keep out of the way, if he

* Apology, 6. Lords' Journals, XIV. 396.

thought there was any thing against him, or if he had not strength of mind to bear up against the event. At length, however, on the 8th of July, he also was taken in his own house, attempting to conceal himself in a chimney. Hampden and the Earl of Essex were afterwards successively committed to the Tower, Lord Grey having previously escaped from his keeper, and the Duke of Monmouth still eluding all pursuit *.

Three persons, convicted on the evidence of some associates, suffered death for the assassination plot, on the 20th of July; but, whilst they admitted many treasonable conversations, to which they had been instigated by their accusers, they denied any knowledge of the crime for which they died. Lord Russell fell a sacrifice to royal vengeance on the following day. His trial having been proceeded in immediately after he was arraigned, that the jury might

* Burnet's Hist. II. 377—379. Luttrell's Brief Relation, MSS.

be influenced against him, by the violent death of Lord Essex, supposed to have fallen by his own hands. It appeared in evidence, that he had been present at a conversation about surprising the guards, though without taking any part in, or even attending to the discourse; and Lord Howard swore to two subsequent consultations, in which they had been mutually engaged. The firmness with which Lord Russell bore the insolence of the crown lawyers, at his trial, had excited a lively interest, which was much increased by his dignified composure, in the hour of death*.

Sydney, however, although present at the recent meetings of the party, was altogether unconnected with the conversation about surprising the guards: so that, after the prisons had been diligently ransacked, after menaces and persuasions had been alternately employed among the prisoners, and when Smith and Wildman, his sup-

* State Trials, IX. 668—696. Burnet's Hist. II. 380—394.

posed adherents, were in custody, no second witness could be found. Aaron Smith, indeed, the messenger dispatched to Scotland, when tampered with by an agent of the government, to propose his own terms for discovering what might suit their purpose, intrepidly replied, that "he could not say any thing that would touch a hair of Sydney's head." Nor was the court more successful, in an attempt to derive matter of accusation from himself; for when a committee of the privy council were sent to examine him in the Tower, he treated them roughly, observing, that "they seemed to want evidence, and were come to draw it from his own mouth; but they should have nothing from him *."

* Burnet, II. 372, 378. Luttrell, MSS. Lords' Journals, XIV. 389.

Smith was a solicitor in chancery, and Wildman had been an agitator in Cromwell's army, and afterwards one of his most determined opponents.

"The questions directed to be asked of the Honourable Algernoon Sydney, Esq. being distinctly read over to him, and his answer to them severally being demanded, he excused himself with saying, that he conceives that he ought

During the delays, which were occasioned by these repeated disappointments, Sydney's friends began to look forward to his release: the crown lawyers, aware of his talents and intrepidity, not daring to proceed, until, by some new arrangements, they had strengthened their interest on the bench. The chief justice of the King's Bench being lately dead, Sir George Jefferies, a king's serjeant, who had distinguished himself by his violence at Lord Russell's trial, was promoted to the vacant seat, September 29, 1683*; and joined with three colleagues of similar principles and views. And, as a warning to all other judges, Sir Francis Pemberton, who had conducted himself with some regard to decency, at Lord Russell's trial, was removed from his seat in the privy council, and his

not to answer to them, until he knows his charge and his accusers.

"This answer was taken the 28th day of June, 83, before us,

"L. JENKINS, J. ERNLE, R. SAWYER, H. FINCH."

From the original in the State Paper Office.

* See Appendix, XVII.

office as chief justice of the Common Pleas. Jefferies, however, actually consulted with the crown lawyers, on the means of compassing the prisoner's death; a paper, containing the result of their conference, being seen on the attorney-general's table. In the mean while, Peter Daniel, one of the aldermen, and Samuel Dashwood, being appointed sheriffs of London and Middlesex, by a commission under the great seal, selected Thomas Rowse, and Charles Hargrave, two men equally devoted to the service of the crown, for undersheriffs. By such violations of all decorum, the agents of government were at length prepared, for a sturdy conflict with a man, whose life they were determined to sacrifice, but of whose vigour and resources they were afraid *.

These preliminaries being finally arranged, Sydney was informed by the lieutenant

* Burnet's Hist. II. 357, 402. State Trials, IX. 820. Beatson's Political Index, 3d ed. II. 291. Apology, 18. Lords' Journals, XIV. 390. London Gazette, Sept. 3—6. Exchequer Roll, 34th Charles II.

of the Tower, on the 6th of November, that he had received orders to bring him before the court of King's Bench, by a writ of *habeas corpus*, on the following day. He was conveyed to Westminster, early in the morning, before the grand jury were assembled, or any *bill of indictment* had been exhibited against him; and detained, about an hour, at a tavern, till the *bill* was found. On its being presented, he was hurried to the bar, through a guard of soldiers, and immediately arraigned. The *indictment* was long, confused, and perplexed; alleging a variety of crimes, distinct in their nature, and distinguished from each other by law; setting forth no avert act of treason precisely, no person with whom he had conspired; and fixing on the 30th of June, when he was actually a prisoner, as the medium time of his conspiring in the parish of St. Giles's in the Fields. He consequently excepted to the *bill*, as vicious and erroneous, and desired to see the record. But this was peremptorily refused, the chief justice insisting that he must either plead to the *indictment*

or demur, which amounted to a confession of the fact. He then produced a special plea, quoting the three acts of treason, and desiring that the separate charges might be distinguished; which was also refused, unless, waving the fact, he would rest his case solely on that plea *. Sydney on this proceeded to deny, distinctly, that he had either conspired the death of the king, levied war, invited the assistance of others of a neighbouring nation, or written any thing to stir up the people, as separately charged in the indictment; but he was interrupted by the chief justice, who declared, that unless he pleaded in the usual form, sentence should be immediately pronounced. Thus by repeated menaces from the bench, he was obliged to abandon every advantage which the law allowed him, and by pleading NOT GUILTY, to come to a general issue on the merits of his cause. A fortnight was allowed him to prepare for trial; but a copy of the indictment, and the

* See Appendix, XVIII.

assistance of counsel, unless he should assign any particular point of law, which the court might think proper to debate, were refused. The indictment was then read to him in Latin, but all information respecting the statute, on which the attorney-general intended to proceed against him, was denied *.

But, although the whole tenor of the indictment appeared liable to exception, it required a very nice examination, to devise the further means of overthrowing it; and the ablest lawyers could afford the prisoner, a very imperfect account of it, from recollection alone. When the day of trial approached, therefore, Sydney petitioned the king for a copy of the record of Lord Russell's attainder, and of the indictment against himself, or at least the most material part of it, as necessary to his just

* State Trials, IX. 817—836. See also Trial, 2—9. Apology, 6. Lords' Journals, XIV. 391.

defence; but his petition appears to have been disregarded *. The attorney-general, indeed, had openly declared, that he should not have counsel, lest they should furnish him with legal objections; and a copy of the indictment had been refused him, contrary to repeated precedents, and the express provisions of a statute of the 46th Edward III. Of the counsel, who had been previously assigned him, by an order from the Earl of Sunderland, October 29, 1683, to assist in preparing for his trial, Serjeant Rotheram had already drawn the plea, which he presented; and Williams, whilst advising him to persist in it, had been reproved from the bench. Before he was brought up for trial, also, he was duly prepared, with legal proofs and arguments, to expose the injustice of his prosecutors, and provided with a paper of instruction and reference, drawn by Williams, for the conduct of his defence †.

* See Appendix, XIX.

† State Trials, IX. 825. Apology, 8. Williams's MSS. in the possession of Mr. Williams Wynn.

As a man of quality, Sydney expected to have been tried by a jury of his peers; but, when the pannel was presented to him, he found that it consisted chiefly of the lower class of mechanics, men of ruined character or fortune, with or without freehold, and chosen expressly by the solicitors for the crown. To save appearances, indeed, the names of a few gentlemen were inserted, who had received no summons to attend; and, of the whole pannel, he was only acquainted with the quality of three persons, whom, if present, he determined to accept *.

When Sydney appeared before the court, on the 21st of November, a copy of the indictment was again peremptorily refused to him, although he produced a transcript of the statute, by which it is expressly allowed in all cases, and to all men. The jury being called, he excepted against several persons, as being in the king's service,

* State Trials, IX. 924. Apology, 8, 9. Display of Tyranny, 186. See Appendix, XX.

wanting freeholds, or having exposed themselves to infamy by some specific misconduct. But every special objection being over-ruled, he was forced to challenge peremptorily those, whom he knew to have been chosen for his destruction; and thereby, when his challenges were exhausted, to admit others of the same cast. Before a jury thus arbitrarily selected by his prosecutors, Sydney was called upon to answer to a complicated charge of treason; and exposed, without the assistance of counsel, to the determined violence of the bench and bar*.

After a speech from Sir Robert Sawyer, the attorney-general, detailing the heads of the accusation, West, who, having confessed many treasons, was still unpardoned, Rumsey, and Keiling, were examined as to the design of a general insurrection; and, although totally unconnected with the prisoner, were allowed to depose against him

* State Trials, IX. 836, 922. Trial, 9, 10. Apology, 9, 25. Lords' Journals, XIV. 391. Luttrell's MSS.

whatever they had heard from others; while their varying testimony alone was sufficient, to discredit the ill-concerted tale. When the minds of the jury had been thus artfully prepared, Lord Howard, deviating in minuter circumstances from his evidence at Lord Russell's trial, gave a detail of two conversations which had passed between that nobleman, the Duke of Monmouth, Lord Essex, young Hampden, the prisoner, and himself, on the most effectual means of defending the public interest from invasion, without involving themselves in the obloquy of entertaining any selfish designs. Nothing, however, of moment appeared to have been agreed upon at these meetings, except the propriety of settling an understanding with the Earl of Argyle, and also of communicating with Sir John Cochrane and some other leading Whigs in Scotland; when Sydney recommended Aaron Smith, as a person whom they might safely trust, and afterwards provided him with money for his journey. Of this circumstance, indeed, the witness only spoke

from hearsay; for being called away, by business, into the country, he had gone from thence immediately to Bath. The arrival of these gentlemen in London, on pretence of treating about a purchase in Carolina, was also given in evidence, without any proof of their intercourse with the prisoner or his friends *.

The crown lawyers, being obliged to rest their cāse, on the unsupported assertions of Lord Howard, who had testified nothing of a treasonable nature, ventured to supply the defect of a second evidence, by producing some papers, found in Sydney's study, and supposed to be in his handwriting, in which the paramount authority of the people, and the lawfulness of resisting an oppressive government, were ably and eloquently maintained. A few passages, best suited to the purpose, being read, at the request of the attorney-general, Sydney complained of this partial

* State Trials, IX. 838—853. Trial, 11—21.

proceeding; when the chief justice, endeavouring to entrap him, slily asked, to what heads he would refer. Perceiving the drift, however, he calmly answered, "let him give an account of it that did it." The attorney-general, having closed his evidence, informed the prisoner, that he was indicted on the first branch of the statute of the 25th Edward III., for conspiring and compassing the death of the king*.

Sydney, in his defence, insisted "on the defect of evidence, where two witnesses were so expressly required, and where the treason also should have been accurately distinguished; since levying war, and conspiring the death of the king, were acts distinct in nature, in reason, and in law. The testimony of Lord Howard was improbable, inconsistent with what he had sworn to at Lord Russell's trial, and the deposition of a single witness, where the laws of God and man required two: for if

* State Trials, IX. 853—860. Trial, 21—27.

a single witness were received to separate charges, there would be no means of detecting falsehood, as appeared from the story of Susanna; and no person would be safe. If there were two witnesses to prove a conspiracy, and in that conspiracy any matters of treason, he must answer to it; but he desired that the law might be reserved to him, and that he might have counsel on the validity of the evidence adduced. Again, he asked, was there a war levied or prevented? if prevented, it was not levied; and if not levied, it was not within the statute, and did not affect his case. Lord Howard had accused himself of divers treasons, for which he was still unpardoned; and had said that he could not get his pardon, until he had done some other jobs, and was past the drudgery of swearing: that is to say, having incurred the penalty of high treason himself, he would procure his own indemnity by destroying others. Lord Howard was his debtor, and endeavouring to defraud him; and besides, by tampering with his serv-

ants, had attempted to take possession of his plate and other goods. His lordship, also, had repeatedly, and with the most solemn asseverations, attested his innocence, and expressed a firm conviction that the plot was all a sham.—By a strange kind of construction and imagination, some papers said to have been found in his study were adduced, as having relation to this plot, as it was called. But, as similitude of hands was no legal proof in criminal cases, as appeared from the judgment of Chief Justice Keiling, in the case of Lady Carr, indicted for perjury in 1669, these papers were not before the court; and Lord Howard's testimony, being single, was destroyed for want of proof. Was it likely that six men, without followers, would undertake so vast a design, and yet neglect, as it appeared, every means of ensuring its success; no officers, soldiers, or money being provided, no time or place assigned? He did not think himself called upon to answer for the papers produced by a king's officer, who ought to be no wit-

ness: as had been admitted, by the arbitrary government of France, a few years before, in the case of *de Fouquet*, a minister of state. Similitude of hands was nothing, since hands might be counterfeited so that no man should know his own. He did not know whether the papers, shewn to him by the attorney-general, were his or not: but these very papers, such as they were, were abhorrent to the design. By the ink, which was old, they might have been written twenty years; and seemed to be a *polemical discourse*, in answer to Filmer, who had vindicated the absolute sovereignty of kings, in all circumstances, and in whatever way their power had been acquired. Cromwell, a tyrant, as he had often called him in his life-time, and a violent one, against whom he had acted, would not endure the odious principle, *that possession was the only right to power;* which Filmer asserted as consonant to the law of nature and of God. The papers were not proved upon him, and if proved were no crime."—The chief justice,

perceiving the force of this argument, diverted his attention from pursuing it, by suggesting the importance of impeaching the credibility of Lord Howard. Sydney then desired counsel on a second point, that conspiring to levy war was not treason; contending, at the same time, that he had neither made war, nor conspired to levy it. But this also was refused, unless he would admit the fact; upon which, the court maintained, all doubts in point of law depend*.

"If, therefore," he resumed, "they would make a concatenation of things, a supposition upon supposition, he would take all these asunder, and shew that if they were nothing in themselves, they could be nothing when joined together. It was material, that a whimsical imagination of a conspiracy, should not pass for a real conspiracy of the death of the king. Besides, if these papers were found in his house, it

* State Trials, IX. 860—867. Trial, 27—33.

was a crime created since his imprisonment, which could not come in, for they were found since. If right, they mentioned upwards of two hundred sheets, and shewed neither beginning nor end. Should then a man be indicted for treason for such scraps of papers, so found, intended innocently, and when pieced and patched with Lord Howard's story, made a contrivance to kill the king? It was a right of mankind, exercised by all studious men, to write what they pleased in their closets, and for which no man could be answerable, unless he published it. He had lived under the inquisition—and there was no man in Spain could be tried for heresy"—"My lord," continued he, on being interrupted from the bench, in this stage of his argument, and desired to draw no precedents from the inquisition, "if you take scripture by pieces, you will make all the penmen of the scripture blasphemous; you may accuse David of saying *there is no God;* and accuse the evangelists of saying that *Christ was a blasphemer and a seducer;* and of the

apostles that *they were drunk.*" On being again artfully required to point out any part of the papers which explained the sense of them, and refuted the charge against him in the libel, he replied, "If they will produce the whole, my lord, I can see whether one part contradicts another *."

During the latter part of this discourse, when his arguments began to bear most forcibly upon the question, Sydney was repeatedly interrupted by the chief justice, who observed so well the time of breaking in upon him, as to invert the method which he had laid down for his direction, and to prevent his finishing any point which pressed too hard upon the conduct of his prosecutors, or conduced most to his defence. He had prepared twelve points of law to be argued by counsel, or reserved to be found specially, if the jury found any fact against him. But whenever he cited a law, or an adjudged case, that made for him,

* State Trials, IX. 868, 869. Trial, 34, 35.

or proposed a point of law to be argued or reserved, he was told that it was nothing to the purpose, or had been already determined, and he was consequently obliged to desist. When he observed that "it was to no purpose to speak, if law, reason, and truth, were not regarded;" the chief justice replied, that "if he would not speak, they knew how to proceed." Driven into straits, by such unwarrantable conduct, he was obliged to call his evidence prematurely, and to abandon the strong grounds of his defence in *reason* and in LAW *.

The Earl of Anglesey, Lord Clare, Lord Paget, Doctor Burnet, and two gentlemen of the Howard family, were then called to impeach the credibility of Lord Howard; who deposed, either to his solemn asseverations of the prisoner's innocence, or to his repeated disavowal of all knowledge or belief of the supposed plot. Blake, a draper,

* State Trials, IX. 866—869, 924. Trial, 32—35. Apology, 10.

testified to his lordship's saying, that "he must not have his pardon till the drudgery of swearing was over;" whilst Ducasse, and two female servants, gave evidence to his denying all communication with their master on this subject, and applying to them for the custody of his plate and goods. Lord Howard admitted the debt, with which he had been charged; and some other witnesses did not appear. Wharton, a person present, offering to imitate the writing in any of the sheets produced, so that it could not be distinguished from the original, was rudely answered by one of the judges, that he might have spent his time to a better purpose*.

Sydney, on resuming his defence, observed, "that a complication of crimes was laid to his charge; and that the statute, 25th Edward III. had two branches; one relating to the levying of war, the other to conspiring, imagining, and compassing the

* Burnet's Hist. II. 408. State Trials, IX. 869—876. Trial, 35—42. North's Examen, 410.

death of the king. No evidence of his conspiring the death of the king had been adduced; and no overt-act to prove his levying war; which, if not levied, was not within the act. He was not a man to have a design to kill the king: no man who knew him would think so; perhaps he might say that he had once saved his life: so that it must be by implication, imagining that he designed to raise a war, which should tend to the destruction of the king. He knew that it might follow; but not naturally or necessarily; and, not being natural or necessary, it could not be so understood in law: many wars having been made, in which the death of the king did not ensue. To make war, and to endeavour to kill the king, were two distinct things; and, as there was no pretence that he had endeavoured to kill the king directly, there could be none by inference, since that was treason of another kind. He was incompetent to argue these points; and thought himself entitled to have counsel; for these things should not be con-

founded to the overthrow of all justice, as Lord Coke had said. If the making of war could not be understood to be conspiring the death of the king, he was not guilty of the indictment; and yet, there was neither conspiring the death of the king, making war, nor conspiring to make war. Besides, the best man's evidence would be insufficient, in a case where the law required two."

"The business of Aaron Smith also was merely conjectural, and told so imperfectly, that there was nothing in it: for although Lord Howard stated a letter to have been sent by him, he did not say by whom it was written, what it contained, and whether it was ever delivered. Some Scotch gentlemen, it was said, had afterwards arrived in town, but he professed that he had never heard the name of any one of them, till it was mentioned to him in the Tower. He had not sent, nor written, a letter into Scotland since the year 1659; nor did he know a single per-

son to whom he could write, or from whom he had ever received one: since his return to England in 1677, he had neither written nor received any. He had never seen either of the Campbells or Monro; if any one could prove his connection with them, he should submit."

"Then, as to the papers, he insisted that if any thing could be made of them, the whole should be read. He had been asked to name the passage, which he would have read: he did not know a single passage in them, either good or bad. But, if such papers were found in his study, for it was doubtful, and they might be counterfeit, the hand was such as to shew, that they had been written many years. One part of them, which seemed to be an account of the sections and chapters, was but a scrap. But if papers, not strictly justifiable, either in his own hand or another's, had been so found, was it treason, did it imagine the death of the king?—If any man could say that he ever printed a sheet, he would sub-

mit to any punishment. Many persons wrote what occurred to them, his own father, for instance, who had filled many quires, for his own satisfaction, and yet never published a single sheet. And, for himself, he believed that he had burnt more papers of his own writing than a horse could carry: for these papers, then, he could not answer. They amounted in themselves to nothing, and could have no connection with Lord Howard's select council, selected by nobody, in pursuit of Lord Shaftesbury's designs. And, taking the fact for granted, which he did not, what was this council, adjusted with so much fineness, to do? It was nothing, even if the witness had been credible, but a few men talking at large of what might or might not happen, without either intending or doing any thing: without so much as enquiring after men, arms, or ammunition. A war to be made by five or six men, not knowing or not trusting one another: for what Dr. Coxe had said, at Lord Russell's trial, of his lordship's trusting Lord Howard,

he might also say of others. These papers had no manner of coherence, no dependence upon any such design; and could never be calculated for raising the people*. What imagination, then, could be more vain than that: what man could be safe if the king's counsel might make such groundless constructions? The plot was said to have been broken to the Scots; and the Campbells to have arrived in town about the time of his arrest; and yet Lord

* "How far words or writings of a seditious nature, may be considered as overt-acts within this branch of the statute, 25 Edw. III. st. 5. c. 2. § 6. hath been the subject of much debate. In Mr. Sidney's case it was said, *scribere est agere.* This is undoubtedly true, under proper limitations, but it was not applicable to his case. Writing being a deliberate act, and capable of satisfactory proof, certainly may, under some circumstances *with publication*, be an overt-act of treason: and I freely admit, that had the papers found in Mr. Sidney's closet, being plainly relative to the other treasonable practices *charged in the indictment*, they might have been read in evidence against him, though not published.—But papers not capable of such connection, while they remain in the hands of the author unpublished, as Mr. Sidney's did, will not make a man a traitor."—Sir Michael Foster on Crown Law, 3d ed. p. 198.

Howard, the great contriver, the most active adviser in this delicate business, had attended the council, but agreed to nothing; then went into Essex to look after a little pimping manor, and, finally, had loitered away five weeks at Bath, regardless of the event. Could any men, who had the sense of grooms and porters, have done such things as he alleged? If the attorney-general was right, the paper was written in consequence of a combination with the Scots; for it was stated that he was doing it at that time; but from the context it was evident, that it must have been the work of four or five years.—Constructive treasons belonged only to parliament, and were beyond the province of the bench, who were confined to go according to plain proof. Was there, then, any overt-act of treason, which brought his case within either branch of the statute 25 Edward III.? if not, it was a matter of construction, and, as had been adjudged in Throgmorton's case, was above the jurisdiction of inferior courts. But he should have somebody to speak for him on

this point." The court again dissenting, unless he would acknowledge the fact, "There were several judgments of parliament," resumed he, "to that purpose. If similitude of hands was not admissible as proof, in any criminal case, as had been resolved in that of Lady Carr, it certainly could not be received in the greatest. He thought it therefore impossible, from the nature of the evidence, for the jury to find the fact in this matter; but if, contrary to his opinion, they should find it, he desired to have the law reserved *."

The solicitor-general, Heneage Finch, in his reply, after briefly attempting to invalidate the legal objections of the prisoner, by a reference to the case of Sir Henry Vane, and the more recent conviction of Lord Russell, entered into a long detail of the evidence for the prosecution, insisting on its competence, and depreciating the testimony and argument by

* State Trials, IX. 876—880. Trial, 42—45.

which it had been so forcibly assailed. Sydney then requested leave to say a few words, and was proceeding to remark on the eagerness of the solicitor-general to convict him, when he was interrupted by the chief justice, as having no further right to speak. Admitting the claim of the king's counsel, to conclude if they pleased, he shortly observed, that "a wise man had said there never could be too much delay, when the life of a man was in question; it was not enough to bring a man to death by any means; the case of Sir Henry Vane had been utterly misrepresented. According to Coke and Hale, the overt-act of one treason was not an overt-act of another. 'Compassing by bare words,' said Hale, 'is not an overt-act; conspiring by bare words is no overt-act*.'"

The lord chief justice, in his charge to the jury, sanctioned all the principles of law advanced by the king's counsel, con-

* State Trials, IX. 880—888. Trial, 45—53.

troverted the prisoner's objections, and insisted strongly on the competence of the evidence for the prosecution; artfully endeavouring to blend the consultations, in which Sydney had been implicated, with the other supposed conspiracies for an insurrection, and attempt upon the life of the king. But, not satisfied with this partial statement, he followed the jury out of court, under pretence of taking some refreshment, and, when they were consulting about their verdict, gave them more particular instructions. When, in about half an hour, they returned, with a verdict of GUILTY, Sydney desired to examine them, by turns, before it was recorded, that he might not be deprived, like Lord Russell, of the benefit of making his exceptions, "whether every one of them had found him GUILTY, and more especially whether they had found him guilty of compassing the king's death; of levying war against the king; of any treason within the statute, 25th Edward III.; or of any proved against him by two witnesses: but

the chief justice would not allow him to proceed. His trial had lasted from ten o'clock in the morning till six at night, and during the whole time, notwithstanding the rudeness to which he was exposed, he steadily maintained his temper, frequently smiled at the conduct of his persecutors, and, even after his conviction, appeared indifferent to his fate*.

Three days after this extraordinary trial, on the evening of the 24th of November, the Duke of Monmouth, who had hitherto eluded the vigilance of government, after writing a very submissive letter to his father, surrendered himself to the secretary of state. Being brought before the privy-council on the following day, he was received with much apparent favour, and pardoned for his share in the supposed plot. Whilst many were surprized at this proceeding, Sydney's friends began to en-

* State Trials, IX. 888—895, 941. Trial, 53—60. Apology, 24. Lords' Journ. XIV. 391. Burnet's Hist. II. 409. Luttrell's MSS. See Appendix, XXI.

tertain more sanguine expectations, and himself to look forward to the importance of such an evidence, if a new and more impartial trial could be obtained*.

On the 25th of November he presented, through Lord Halifax, a very manly petition to the king, recapitulating the irregular proceedings, which had led to his conviction, and praying for an audience of his majesty, whose honour and interest were so much concerned to preserve him from oppression. But the Duke of York, whose interest was again predominant in the council, seems to have been determined on his fate; and Jefferies, in his furious way, declared, that either Sydney or himself must die. The prayer of his petition was, in consequence,

* Nov. 24. The Duke of Monmouth surrendered himself to Secretary Jenkins, and the next day was before the council; his coming in has surprised most people; some think he has not been out of Whitehall all this time. Luttrell's MSS. See also London Gazette, 1880. Lords' Journals, XIV. 378—380.

refused, and he was referred to the very judges of whom he had complained *.

When, therefore, on the 26th, he was brought up for sentence, and asked what he had to say in bar of judgment, Sydney boldly alleged the irregular conduct of his prosecutors, the defect of evidence, and the gross injustice of the court, insisting also on the omission of *Defensor fidei*, amongst the king's titles, which rendered the indictment void. And, as the attorney-general had maintained, that the papers were to be published in support of the insurrection, he appealed to the testimony of the Duke of Monmouth, which might now be procured, whether there had been any thing of the kind in agitation between them, in pursuance of the duke's designs. But he was again repeatedly interrupted, and every objection, whether of law or fact, which he produced, every reason on

* Apology, 24—26. Burnet's Hist. II. 409. Dalrymple's Mem. 48, 54. See Appendix, XXII.

which he applied for a new trial, were peremptorily over-ruled. When he was insisting on the rejection of his special plea, Judge Wythens, who seemed to be drunk, gave him the lie; on which he calmly observed, that "having lived above threescore years, he had never received or deserved such language, having never asserted any thing that was false." Finding all that he had stated in arrest of judgment thus violently overborne by his judges, he said aloud, "I must appeal to God and the world, I am not heard*."

The chief justice, therefore, after declaiming, for a few minutes, on the prisoner's guilt, his obligations to the king, and the treasonable nature of his writings, and laying much stress on his adherence to the *old cause*, pronounced sentence of death in the usual form. "Then, O God, O God," said Sydney, with an unaltered mien, "I beseech thee to sanctify these sufferings

* State Trials, IX. 896—901, 943—946. Trial, 60—65. Apology, 26—29.

unto me, and impute not my blood to the country, nor the city through which I am to be drawn; let no inquisition be made for it, but if any, and the shedding of blood that is innocent must be revenged, let the weight of it fall upon those that maliciously persecute me for righteousness sake." Conceiving the chief justice to have insinuated, that he spoke this in a distempered state of mind, Sydney, free from all emotion, held out his hand firmly, and exclaimed, "My lord, feel my pulse, and see if I am disordered. I bless God, I never was in better temper than I am now." The inhuman Jefferies boasted to the king of the important service which he had rendered him, by such a gross violation of law and decency, and is said to have been afterwards rewarded for such services, with a present of a valuable ring *.

But the glaring injustice of his conduct,

* State Trials, IX. 902, 903, 946, 947. Trial, 65. Apology, 29. Burnet's Hist. II. 420.

exciting elsewhere a very general indignation, powerful intercession was made in Sydney's behalf, and it was, for a time, expected that, at least, a remission of his sentence would have been obtained. In these circumstances, he was prevailed upon to present a second petition to the king, praying that his punishment might be changed into perpetual banishment, and engaging to withdraw himself immediately from the realm*. In the meanwhile, Hampden, being indicted only for a misdemeanour, was released on bail; and, intending to visit Sydney, at his departure, was earnestly dissuaded by his friends. He then wrote to intimate the design, and offered to see him, if he wished it, before he left the Tower. He was charged, however, by Sydney, not to come, but to write, if he was afraid of the least inconvenience. He therefore contented himself with this proof of his regard, and with stimulating the Duke of Monmouth, to attempt the preservation of their friend. The duke, though

* See Appendix, XXIII.

fully aware of the difficulty, readily undertook the charge; but, being persuaded to sign a confession, which he soon recanted, he was immediately dismissed the court. The king, who had hesitated before, now became inexorable, and all further application was in vain *.

Sydney, however, placing no reliance on the justice or mercy of his persecutors, and being persuaded that his death would afterwards be called in question, employed the interval allowed him after he received sentence, in drawing up an appeal to posterity on the injustice of his fate. After premising a few circumstances of his early life, he entered into a detail of the proceedings resorted to for his destruction. Comparing his own times to those of Richard II., "when through the perversion of law, no man knew what to say or do for fear of treason;" a perversion which led to the most violent remedies, he expressed his trust that God would soon

* State Trials, IX. 1333—1340. Burnet's Hist. II. 409. Lords' Journals, XIV. 379, 380.

in mercy visit his afflicted people, since in the recent stretches of power, for the establishment of an arbitrary dominion, HIS and the PEOPLE'S CAUSE was seriously involved. "I know," said he, in concluding, "that my Redeemer lives; and, as he hath, in a great measure, upheld me in the day of my calamity, hope that he will still uphold me by his spirit in this last moment, and, giving me grace to glorify him in my death, receive me into the glory prepared for those that fear him, when my body shall be dissolved." As this *Apology in the day of his death*, was designed chiefly for the satisfaction of posterity, Sydney consigned it to the care of his attendant Ducasse, till a more auspicious period should arrive. An authentic record of some of the most atrocious proceedings, which the chief justice had expunged from the *report* of this abominable trial, has in consequence been faithfully preserved*.

* Apology. Lords' Journ. XIV. 391. State Trials, IX. 916—950, 985—988.

"The printed trial, indeed, does not appear to be

Sydney consulted with some independent ministers, in preparing to meet his fate, and to them expressed a deep remorse for whatever sins he had committed, and a firm confidence in the mercies of God. But, as his religion consisted rather in the devout feelings of his own mind, than in any sort of external ceremonies, he engaged none to attend him at the hour of death. When he saw the warrant for his execution, he expressed no concern, and amazed all around him by his calm demeanour. He told the sheriffs, who brought it, that he would not expostulate with them on his own account, for the world was now nothing to him; but he desired them, for their own sakes, to consider how guilty they had been, in not returning a fair jury, but one packed by the solicitors for the crown.

given with all the candour and impartiality essential to a record. It was, however, but natural, that the prejudices of the court should be propagated, by means of the press: and we are to wonder that any justice was done to the prisoner's plea, in the report, when so little was done to the trial and plea in the sentence." Ralph's Hist. 1. 784. See Appendix, XXIV.

One of the sheriffs, struck with this expostulation, actually wept. The signing of this warrant excited a very general surprize, as, from the strenuous exertions which had been made to save him, and the glaring iniquity of his sentence, confident hopes had been entertained of a pardon, or a long reprieve. In compliment to his family, however, a part of his sentence was remitted, and he was ordered to lose his head*.

On the morning of the 7th of December, the sheriffs again proceeded to the Tower, and, about ten o'clock, receiving Sydney from the hands of the lieutenant, after signing and sealing counterparts of

* Burnet's Hist. II. 409. MSS. in the State Paper Office. See Appendix, XXV.

"Contrary to all men's expectations, a warrant is signed at last for beheading Col. Sidney at Tower-hill next Friday. Great endeavours have been used to obtain his pardon, but the contrary party have carried it, which much dasheth our hopes: but God still governs." Barnardiston's Letter, 4th Dec. 1683, in State Trials, IX. 1336.

the indenture for his delivery *, conducted him on foot, to the place of execution on Tower-hill. He was attended only by two of his brother's servants. He ascended the scaffold with a firm, undaunted mien, worthy of the man, who set up Marcus Brutus for his model. He gave a paper, containing a manly vindication of his innocence, to the sheriffs, observing that, "he had made his peace with God, and had nothing more to say to men:" but he declined either reading, or having it read to the multitude, and offered to tear it, if it was not received. He then pulled off his hat, coat, and doublet, saying that "he was ready to die, and would give them no further trouble." He gave three guineas to the executioner, and perceiving the fellow grumble, as if the sum was inadequate, desired a servant to give him a guinea or two more. He then kneeled down, and, after a solemn pause of a few moments, calmly laid his head upon the block. Being asked by the executioner if he should rise

* See Appendix, XXVI.

again, he replied intrepidly, "not till the general resurrection;—strike on." The executioner obeyed the mandate, and severed his head from his body at a blow*.

His remains, being placed in a coffin, were immediately restored to his friends; and, on the following day, interred with his ancestors at Penshurst. They have since been removed into a small stone coffin, and placed in front of the family vault, with this brief inscription on a brass plate.

HERE LYETH THE BODY OF THE
HONO: ALGERNON SIDNEY, ESQ.
SECOND SON OF Y^e
RIGHT HONO. Y^e EARLE OF LEICESTER,
WHO DEPARTED THIS LIFE
ON THE 7TH DAY OF DECEMBER,
IN THE 61ST YEAR OF HIS AGE.
ANNOQUE DOM. 1683 †.

* London Gazette, 1884. Luttrell's MSS. Burnet's Hist. II. 411. Official Report, MSS. Public Ledger, Dec. 17, 1768. See Appendix, XXVII.

† MSS. in the State Paper Office. Coffin in the vault at Penshurst. See also Appendix, XXVIII.

His real and personal estate, was granted, in the ensuing September, to his brother Henry Sydney, who, adopting the cautious policy, as well as the diplomatic schemes of Sir William Temple, had hitherto adhered to the court*.

The paper, which Sydney had given to the sheriffs, was at first carefully withheld; and some rumours were afloat, that it was ordered to be burnt by the hangman. There can be little doubt, indeed, of the inclination of the government, to suppress so very pointed an attack; but, as he had left a copy with a friend, which was assiduously circulated in manuscript, it was published by authority, about a fortnight after his death. Excusing his silence on the scaffold, from the rigour of the season, and the infirmities arising from his age and close imprisonment, he briefly referred to the means employed for his destruction, and to the leading principles maintained in the papers ascribed to him, in refutation of

* Abstract of Royal Grants, MSS.

Filmer's absurd hypothesis, equally destructive to the people and to kings. "By these means," he observed, "I am brought to this place. The Lord forgive these practices, and avert the evils that threaten the nation from them! The Lord sanctify these my sufferings unto me! and, though I fall as a sacrifice to idols, suffer not idolatry to be established in this land! Bless thy people, and save them. Defend thy own cause, and defend those that defend it. Stir up such as are faint; direct those that are willing; confirm those that waver; give wisdom and integrity unto all. Order all things so, as may most redound unto thine own glory. Grant that I may die glorifying thee for all thy mercies; and that, at the last, thou hast permitted me to be singled out, as a witness of thy truth; and even by the confession of my opposers, for that OLD CAUSE, in which I was from my youth engaged, and for which thou hast often and wonderfully declared thyself*."

* Burnet's Hist. II. 410. Luttrell's MSS. See Appendix, XXIX.

Failing, therefore, in the design of suppressing this important paper, the agents of government were employed in perverting its contents. Under the title of *Sydney's Self-conviction, or his Dying Paper condemned to live for a conviction to the present faction, and a caution to posterity*, it was re-printed, with a very feeble refutation, in 1684. Various other pamphlets followed, particularly *a Defence of Sir Robert Filmer against Algernon Sydney;* and *Reflections upon Algernon Sydney's Arcadia, the Old Cause, and his Last Paper.* The fifth chapter also of *Northleigh's Triumph of our Monarchy over the Plots and Principles of our Rebels and Republicans*, is dedicated with equal virulence to maintain the royal cause. And, that nothing might be wanting to discredit its opponents, their proceedings were artfully connected with transactions of an earlier date. With this view appeared, *The Royal Apology, or an Answer to the Rebels' Plea, wherein the most noted anti-monarchical tenets, first published by Doleman the Jesuite, to promote a bill*

of exclusion against King James; secondly practised by Bradshaw and the regicides, in the actual murder of King Charles I.; thirdly published by Sydney and the associators, to depose and murder his present majesty, are distinctly considered, with a parallel between Doleman, Bradshaw, Sydney, and others of the true Protestant party. The author of this *tract* sagely concluded, that it was the dictate of nature and reason, that "the king of England, possessing supreme power, could not be lawfully resisted; and that, as honesty was the best policy, loyalty was the best religion."

Under the sanction of such doctrines, the court was, for a time, enabled to pursue its arbitrary and oppressive schemes; till the people, wearied out with submission, saw no prospect of security for their rights and freedom, but in a recurrence to those sounder principles of government, which Sydney had so forcibly maintained. His dying hopes were then no longer vain; *God did in mercy visit an af-*

flicted people; and the Revolution of 1688, originating in consultations like those of Sydney and his associates, afforded a practical illustration of his maxims, in the expulsion of a tyrant from the throne. His sentiments were then brought forward in vindication of the great event, in a pamphlet entitled *Sydney Redivivus, containing his opinion on civil government, as stated in the papers produced at his trial, and in that which he delivered to the sheriffs on the scaffold.* His admirable *Discourses* were not long withheld, and his name was speedily enrolled amongst his country's martyrs, and impressed on every heart which vibrated to her weal or woe.

When James II. had been thus publicly cashiered for his misconduct, a prince, who respected the rights and welfare of the people, was placed on the vacant throne. The illegal practices of former kings, were condemned in the *Bill of Rights;* and the redress of grievances referred to the consideration of parliaments, in which the

popular branch should be freely elected, and the whole frequently convened. England then assumed that rank among independent nations, which she has since so proudly maintained: and, by recurring to the only legitimate basis of civil government, secured the means of redressing future evils, by a timely correction of abuse. If, therefore, regardless of this bright example, she allows accumulated abuses to undermine the safeguards of her constitution, eternal infamy will be the lot of those representatives, who, for some selfish purpose, shall betray a public trust. But, as no human system, amidst the passions and prejudices of the multitude, can be deemed perfect, it becomes the people themselves to be vigilant, in defending and securing their most sacred rights; and in loudly asserting the liberties derived from their ancestors, against every foreign and domestic foe. And above all, by watching the secret progress of corruption, in every civil or religious institution, to avert the deadliest evil that can befal a powerful

state; ever remembering the wise remark of Bacon, "That if time alter things to the worse, and wisdom and counsel shall not alter them to the better, what shall be the end *."

But, whilst the principles of Sydney were thus gloriously maintained by his country, his fate was not forgotten by his friends. The conduct of his persecutors was severely questioned, as he had foretold; and his *Apology* brought forward, to vindicate his innocence, and expose the injustice of his death. A minute enquiry was made into the illegal and oppressive system of the former government, by a committee of the House of Lords. And, in consequence of a petition from his brothers, Philip Earl of Leicester, and Henry Viscount Sydney, and on the express recommendation of the sovereign, *a bill for reversing his attainder*, was brought into that House, on the 24th of April, 1689, was sent down for the con-

* Essay on Innovations.

currence of the House of Commons on the 26th of the same month, and received the royal assent on the 11th of May. In the preamble to this *act*, the refusal of his lawful challenges to the jurors for want of freehold; the defect of legal evidence, as to the facts or papers produced against him; and a partial, unjust construction of the statute on which he was arraigned, are stated, as the grounds on which his sentence was reversed. His conviction and attainder are declared wrongful and unjust; and, in justice to his memory, all records and proceedings regarding them were ordered to be cancelled, that they might not be visible to future times: thus removing, as far as possible, that stigma on national jurisprudence, which such records were calculated to impress. But the history of this infamous transaction is indelibly implanted in the public mind; and held out by every judicious patriot, as a caution to all wicked rulers, that, however successful in their sanguinary projects, the day of retribution may arrive; and as a consolation to each

desponding friend of public freedom, that, however unfortunate for the moment, few well directed efforts are entirely lost *.

But, although the unanimous decision of the legislature, has rescued the memory of Sydney, from the imputation of all legal guilt, and holds out the wicked devices of his enemies, to the execration of posterity, the inveteracy of tory prejudice still continues to assault his fame. It is, therefore, incumbent on his *biographer*, after detailing the leading circumstances of his conduct, as handed down by contemporaries, to form a more impartial estimate of his character, as developed in those circumstances, and as influenced by the spirit of his times. And not only to vindicate the integrity of his motives, in resisting the arbitrary dominion of successive rulers, but, the propriety of those principles which he so strenuously labored to enforce. The *present writer* is, indeed, by no means

* Lords' Journ. XIV. 189, 209, 377. Commons' Journ. VIII. 105. See Appendix, XXX.

singular in the conclusions, which he is anxious to maintain; for whilst the impugners of Sydney are few, and with the exception of Hume, inconsiderable, his praise has been the theme of succeeding eulogists, from MILTON, who only witnessed the dawn of his virtues, to FOX, who, both as a senator and a historian, has exposed the injustice of his fate *.

The name of ALGERNON SYDNEY has been long illustrious in the annals of his country, and revered among the friends of freedom, as the champion, and martyr, of their cause. In vain have the apologists of courtly crimes endeavoured to traduce his character, and to bring public virtue into discredit, by impeaching the rectitude of his designs. Though prejudice and delusion might prevail for a moment, the atrocious calumnies were soon exposed; for the more minutely his conduct is in-

* Hume's History of England, 8vo. 1797, VIII. 43, 196—198. Miltoni Defensio secunda. Fox's Speech on the Sedition Bill, Dec. 3, 1795. Fox's Hist. 46—50.

vestigated, the more free will it be found from every selfish stain. As a patriot, indeed, his character has been justly admired; but his virtues as a man have been neglected, or at least imperfectly understood. He has generally been considered as austere in his deportment, and devoid of those amenities, which contribute so much to the happiness of social life. He was no doubt irascible, tenacious, and impatient of contradiction or controul; but he was sincere, steady, and consistent in his attachments, and open in the avowal of his enmity or disgust. When he wished to acquire a commanding influence, few men possessed a more insinuating address; and he enjoyed, in return, the most unbounded confidence from his friends. His letters, particularly those which he wrote from Italy to his father, display a heart alive to every tender sympathy, and vibrating with the most exquisite feelings. The *sweetness of nature*, so much noticed in his early years, may be traced in his subsequent progress; enabling him to ac-

quire new friends in exile; and to defy the malice of his persecutors in the closing scenes of life. His kindness to Lord Strangford and his sister shews, that amidst the tumults of civil dissension, he was not regardless of the interest of his family, or the blessings of domestic peace. And the anxiety, which he felt from the unmerited resentment of his father, was more poignant, than what arose solely from the recollection of his other misfortunes. He appears to have been subject to occasional fits of despondency, when chagrined or wearied with the difficulties to which he was exposed. Retirement and study then became the solace of his wounded mind. But, that mind soon recovering its tone and elasticity, he was hurried again to mingle in more active scenes. Hence the apparent inconsistency of his conduct, in withdrawing himself, at times, altogether from society, and in again as suddenly recurring to the distractions of the busy world.

Yet in business or in study his mind was equally alert, and few men were better qualified to shine in the councils of his country, or to uphold the interests of a sinking state. Sydney's talents, as a negociator, were displayed in his transactions at the Sound; and the wisdom of his measures were afterwards more clearly unfolded, in the steady adherence of Sweden to the English alliance; when the Danes, whom he was accused of compelling to a disadvantageous treaty, forsook that alliance, from their more intimate connection with the Dutch. It was, however, in maintaining the beneficial schemes of an enlightened policy, that he was chiefly fitted to excel. He had no sympathy with the intriguers of an abandoned court; and if, after the restoration, his talents were required for the service of his country, it was to oppose, and not to forward, their designs.

Aware of the evils inseparable from despotism, and the mischievous tendency of

delusion on the minds of princes, Sydney was attached to a popular scheme of policy, which he deemed most conducive to the public good. But, free from all animosity and faction, in his resistance to the arbitrary proceedings of the Stuarts, he preserved the consistency of his principles, by refusing to acquiesce in the usurpation of Cromwell, or to countenance the triumph of the military over the civil power. The religious enthusiasm which so generally prevailed, had little influence on his mind; and his efforts were solely directed to secure the liberties of his country, by the establishment of a free constitution, founded on the only legitimate basis of government, the GENERAL WILL. He vindicated the lawfulness of resistance to oppressive rulers, as necessary to maintain the people's rights; and he challenged a degree of freedom, as essential to their happiness, which the advocates of regal authority are seldom disposed to allow. He esteemed himself free, because dependent on the will of no man, and struggled to assert the proud inherit-

ance of an Englishman, against all unwarranted controul. The love of liberty, and of his country, was deeply rooted in his mind; and he was incapable of doing any thing repugnant to his principles, even for the preservation of his life. As those principles were formed on the purest models of antiquity, they were free from that fanaticism and coarseness, which strongly characterized his age. He had a soul above disguise. His elevated sentiments and undoubted courage raised him above the little arts of the demagogue. He was a genuine republican, superior to all selfish considerations, and worthy to be handed down for the admiration of posterity, among the most distinguished patriots of Greece and Rome.

Although, during the triumph of his party, Sydney declined to sit in judgment on a fallen sovereign, he scorned to take advantage of such delicacy, in the reaction which afterwards ensued. He chose the hour of danger to avow his approbation of

a sentence, in which he had not participated, rather than belie his principles, and disown his friends. Disdaining the honours and emoluments, which might have rewarded his apostacy, he preferred a state of poverty and exile, to the countenance of a profligate and licentious court. For a time, he retired from all interference in public affairs: till goaded by persecution, and roused by indignation at his country's spoilers, he strove to re-animate the drooping spirits of his party, to redress their wrongs. If he sought the assistance of Louis, he sought also the alliance of De Witt; and it should never be forgotten, that the great object of his solicitude, was to restore his native land to freedom, when honour and virtue were alike banished from the precincts of the palace and the throne. If pure and honorable motives are, in any case, admitted to justify doubtful or incautious conduct, let the same be equally allowed in others: and let not Sydney be too hastily condemned for attempting, like Thrasybulus and Conon, in a desperate

crisis, to assert the liberties of his country, by the aid of foreign powers. Or if he be condemned by the austerity of public virtue, let the odium indiscriminately fall on those, who have pursued such measures on any similar pretence; since the morality of an action can in no wise be affected by its failure or success.

If, in his subsequent retirement in the south of France, Sydney was indebted to that country for support, as well as for protection, a fact by no means clearly ascertained, he did not purchase it by any base compliance, with the interest or caprices of the court; accepting merely that assistance, which few governments withhold, from illustrious strangers in distress. His supposed connection with Barillon, at a later period, involves nothing inconsistent with the public weal. In a free country, no pensioner can be more dangerous than a pensioned king: and the arbitrary projects of an unworthy sovereign, meanly dependent upon foreign counsels, was, per-

haps, most effectually counteracted, by his maintaining some intercourse with the person, who so long conducted the intrigue. The delicacy, and difficulty, of such transactions, certainly cannot be denied: but the importance and necessity of the end in view, with the purity and patriotism of the motive, will, in most cases, justify what is not actually and fundamentally wrong. In very similar circumstances, Demosthenes received money from Persia, to maintain, against Macedon, the liberties of Greece.

Sydney has been hastily accused, by a historian too lenient to the crimes of princes, of ingratitude to a sovereign who had pardoned him *. But in his case no particular pardon was necessary; the *Act of Indemnity* absolving him from all responsibility for his conduct in the civil wars. At first, his exile was quite voluntary, from his detestation of the vices of the court; and the assurance of safety which was af-

* See Hume's History, VIII, 43, note.

terwards denied him, was no farther requisite, than as a defence against unmerited persecution. When, therefore, he returned in compliance with the wishes of his dying father, a safe conduct was all that he required;—all that there appears the slightest evidence to prove that he received. It would have been inconsistent with his ardent feelings, to remain a calm spectator of his country's wrongs; and, however anxiously he might seek to redress them, a solemn *act* of the legislature has long since rescued his memory, from the imputation of all legal, and all moral guilt. He fell, indeed, a martyr to his principles, and a victim to the vengeance of a tyrant, whose life he had generously preserved.

Regarding religion solely as a divine philosophy, Sydney placed no reliance on the efficacy of external forms. He was a firm believer in the wisdom and benevolence of the Deity; in the truth and obligations of the christian scheme: but he was averse to public worship, and to every

description of ecclesiastical influence in the state. He was devoid of all intolerance and bigotry, where religion alone was concerned, and his aversion to popery was chiefly grounded, on its supposed connection with arbitrary power.

As a writer on government, Sydney was eminently qualified to excel, no less from his cultivated taste and genius, than from his intimate acquaintance with the theory and practice of political institutions, and his ardour in defending the common rights and freedom of mankind. A master at once of reason and of expression, he wrote from his judgment and his heart; and conveyed the result of his principles and knowledge, in a clear, flowing and nervous style. Conversant with the best writers of antiquity, and the purest models of more recent times, he had studied the history of nations, as it tended to unfold the evils of despotism, and the advantages of popular controul. And his expedients, for the pre-

servation or establishment of civil liberty, are few, simple, and practical, wherever public virtue, its only effectual safeguard, can be found.

Sydney's *Discourses concerning Government*, therefore, which were published by Toland in 1698, in one volume, folio, attracted so much attention on their first appearance, that they were reprinted, in the same size, together with his *last paper*, in 1704. They were justly regarded, as a precious legacy to his country, and one of the noblest efforts of the human mind; as a work, which could never be too much valued or read. They were, consequently, noticed by succeeding writers, as the production of an author, who did honour to the English nobility, and the English name: who, possessing the clear and comprehensive knowledge, the dignity and eloquence of Cicero, had adequately supplied the loss of his six books *de Republicâ*. Sydney's notions of government were considered as generally

right, expressed with uncommon force and spirit; and with a propriety of diction, superior to the best models of his age *.

A third edition of these *Discourses*, in folio, appeared in 1751, corrected under the care of Dr. Birch, by the ingenious and eccentric Richard Baron. They were republished in 4to. in 1763, under the auspices of the patriotic Thomas Hollis of Corscombe, who spared neither expense nor labour in procuring additional illustrations. But, as his own notes related chiefly to the life and correspondence of Sydney, or to the unprincipled conduct of his persecutors, when a new edition was called for, in 1772, he engaged Robertson, the learned author of a *Dissertation* on the *Parian Chronicle*, to undertake a more careful revision. Many important errors were in consequence detected; and the original authorities, for a variety of facts

* See Locke's Thoughts on Reading and Study. Cato's Letters, XXVI. Moyle's Works, I. 57. Orrery on the Life and Writings of Swift, p. 236.

alluded to by the author, accurately supplied. As the whole of his *official* and *private correspondence*, which had been published, his *Trial* and *Apology*, as well as the *General View of Government in Europe*, were included, for the first time, in this edition, it appeared as the *Works of Algernon Sydney*, although the *Essay on Love* was still wanting to render the collection complete. This edition, however, is infinitely superior to any which has hitherto appeared; although it is obvious that, on a future revision, the notes might be judiciously reduced. The *Discourses concerning Government* were also published at Edinburgh, in 1750, in two volumes, 8vo., and again in London, as part of a projected series of *Political Classics*, in 1795. Nor has the diffusion of Sydney's writings been confined to the English reader, or the narrow boundaries of his native land. A translation of the *Discourses* into French by Samson, appeared in 1702, in 4 vols. 12mo., and was reprinted in 1755, at the Hague; and, in the dawn of the French Re-

volution, when the principles of civil liberty were so minutely investigated, in 3 vols. 8vo., at Paris.

But the approbation bestowed on Sydney, by the historian or the patriot, has been by no means confined to the speculations of his retirement: it has accompanied him amid the tumults and dissensions of his active life. Above all, the injustice of his sentence has been almost universally condemned; and "the production of papers, containing speculative opinions upon government and liberty, as a substitute for a second witness, deprecated, as a system of wickedness and nonsense, hardly to be paralleled in the history of juridical tyranny." He has been regarded as innocent even of political crimes; as a victim to the sanguinary vengeance of his profligate and perfidious king *.

* The Right Honorable Arthur Onslow used to say that "there was some little colour of law in Lord Russell's trial, but that Algernon Sydney was absolutely murdered." Memoirs of Thomas Hollis, 542. See also Fox's History, II. 49. Parr's Characters of C. J. Fox, 729.

Such was Algernon Sydney: such, by the liberal and enlightened, has he ever been esteemed. His little errors are lost in the blaze of transcendent genius, of virtues such as fall not to the common lot of man. Let those, who calumniate his character and revile his principles, remember, that to the practical assertion of those very principles at the revolution, England has owed her best superiority over the nations of Europe. If he formed too favorable an opinion of the dignity of human nature, and recommended a freedom too pure and too lofty for the passions and prejudices of the mass of mankind; it was the error of a mind sublime and generous: the greatest benefactors of their species have invariably cherished an equal enthusiasm. And, whilst the censures of the venal and the base are heard but for a moment, the name of Sydney will live in the memory of the just, and his conduct will excite the emulation of the honorable; while his character and principles will be applauded by every friend to the liberties of Britain.

And if, in the revolving annals of her history, that day shall ever arise, when the despotic prince, and the profligate minister, shall again prompt the patriot of noble birth to do or die for his country; then may the image of Algernon Sydney rise up to his admiring eye: and against the darkness of fate, whether its smile or its frown awaits his "well-considered enterprize," let him fortify his spirit by an example of magnanimity so choice and so complete.

APPENDIX.

APPENDIX.

I.

EARL OF LEICESTER's JOURNAL

DURING THE CIVIL WARS.

Monday 1 Feb^{y} 1646,—My son the Viscount Lisle went from London towards Bristol, and from thence to his command in Ireland, so he went not away till y^{e} king was in the power of y^{e} parlement, tho^{s} he had bin declared lieutenant of y^{e} kingdom, by the parlement somewhat more than a year before, that is in Jan^{y} 1645, and had his commission for the same from the parlement in April 1646, so slow were their proceedings*.

Friday 19 Feb^{y} 1646—My son Philip went from Minehead in Somersetshire where he em-

* Thursday Jan. 28, 1646. The lord lieutenant of Ireland took his solemn leave of the House this day, desiring a blessing upon all their affairs; and takes his journey from London towards Bristol on Monday next, and so for Ireland. *Perfect Diurnal*, No. 183.

barked with a fayre winde towards Irland, and it is conceived that he landed at Corke on Saturday the 20th. The horse he left behinde because the L. Inchiquin sygnifyed to him, by letters before he went from Bristol, that there was no provision for horse in the province of Munster, and therefore desyred him to bring no horse with him, least they should starve themselves, and those that were there already*.

It is very likely that Ormond tuke the oportunity of my sayd son's departure to make his second offers to the parlement, hoping that my son being gone into Munster, he should not be sent directly to Dublin, and that in the mean time he would so deale with the parlement, that the government of Dublin and command of the forces there should be left to him (Ormond) or at least be conferred upon some other, and not upon my son. This is the more likely because he refused to make good his first offers when my son was at London, and should have bin sent directly to Dublin to receive that place and other garrisons from Ormond, who had no minde to deliver them to him.

* Monday Feb. 15. The Lord Lisle is yet at Bristol: great preparations are made for the transporting men into Ireland, and no doubt great care will be taken of sending provision to them. *Perfect Diurnal*, No. 186.

By letters of 26 Feb^{y} 1646. Advertised, that my son landed on Sonday morning 21 at a village called Monkstoun, six miles short of Corke, and Monday came to Corke, where they found the government and all things in strange disorder, and the abuses very great, as appears by the sayd letters *.

From the Original Manuscript at Penshurst.

II.

EARL OF LEICESTER's JOURNAL.

Thursday 8 Apr. 1647. Early in the morning y^{e} House of Commons being very thyn and

* Tuesday 23 Feb. 1646. The Lord Lisle went from Bristol, 17 inst. to Minehead, and thence for Ireland, it is believed he is by this time at Corke. The horse as yet stay behind, and are quartered about Bristol, the reason is that there is no provision of hay for them in Munster. *Perfect Diurnal*, No. 187.

Tuesday March 9. The lord lieutenant of Ireland is safely arrived at Cork in Munster the 22 past. His coming was very seasonable to the accommodating of garrisons in case the rebels should attempt upon them. He instantly resolved upon action out of the garrisons of Corke, Kinsale, Bandon Bridge, and Youghall, with as many of his own forces, as will make 2000 horse and foot. These are to march 20 miles into the enemies quarters, and make Lismore a garrison if they can, which place secured will much advantage the Lord Lieutenant's designs. Id. 189.

few of my son's frends being present, it was moved by Mr. Glyn y^e^ recorder, that Corronell Jones should be made governor of Dublin, in chief and not deputy governor to Aulgernon Sydney, pretending that Jones would not go unless he might be governor; though that were not true for Jones had accepted of the place of deputy governor to Aulgernon Sydney, and had his commission for that place only, which commission was given to him as deputy governor by the committy at Derby house, who also had appointed the Lord Lisle to give his brother Aulgernon Sydney a commission to be governor of Dublin, which he had don before he and his brother went into Munster. This motion of the recorder was seconded by old S^r^ H. Vane who pretended that his conscience moved him to be of opinion, that since the House had thought fitt to recall the Lord Lisle, it was not gud to let his brother Aulgernon Sydney remaine governor of so important a place as Dublin; which is as much as to say, that since you have used one brother ill, you ought to do injustice to the other, an excellent maxime, and fitt for such a man's conscience, as never finds itself pressed but to do injustice. Sir Will. Armyn opposed this motion and defended Aulgernon Sydney, but it was carryed against him, and resolved for Jones; which seems to be a strange proceeding; to

take from a yong gentleman who had served them in Irland as long as he was able to beare armes, and at the battel of Yorke and other places, not only his government of Chichester, but his office of lieutenant general of the horse in Irland, and now his government of Dublin, without ever hearing him speak for himself, and he being also at that very time actually in their service in Irland. But they say, that when the resolution was taken, it was moved that some recompense might be given to Aulgernon Sydney according to his merits, to which the House assented without any opposition.

The commission of the Lord Lisle to be lord lieutenant of Irland being determined on Thursday 15 April 1647, he came from Corke on Saturday the 17 accompanyd with his brother Aulgernon Sydney lieutenant general of the horse in the kingdom of Irland, the Lord of Valentia, S^{r} John Temple, and S^{r} Adam Loftus privy counsellors, and the Lord Broghill, Maior Harrison, and many other gentlemen and officers, who left that country and their employments rather than stay under the command of the Lord Inchiquin, as many others intended to do, except the Lord of Valentia who being gained by another party, sided openly with the sayd Inchi-

quin, and, as he had divers times before, loved his interest better then honesty. Sir Arthur Loftus mett them at sea on Monday the 19, and brought to the Lord Lisle y^e^ votes and resolutions of the two Houses of parlement for the altering y^e^ government of y^t^ kingdom: the same day a great storme tooke them which continued till Wednesday the 21, and that night at 12 o'clock y^e^ Lord Lisle with his brother and some others landed at Minehead, with intention to be at Bristoll on Saturday the 24. At Minehead S^r^ John Temple, S^r^ Adam Loftus, and S^r^ Arthur Loftus left them and came by shipp to Bristoll, from whence S^r^ Arthur Loftus came on Friday evening poste, and came to London on Sunday morning with a letter from his father and S^r^ John Temple to the speaker of the House of Commons to inform y^t^ House of the business and difference between the Lord Lisle and his officers and the Lord Inchiquin with his partizans, who being an Iryshman by extraction, birth and name which is Bryan, and being incapable by the lawes of Irland to be governor or commander in chief, and having in these late troubles revolted from the parlement service to the king, and afterwards again from the king to the parlement as their affairs agreed best with his interest, his brother and suival being allmost all in rebellion,

hath bin nevertheless strangely favoured by the parlement, made president of Munster, received great summes of money etc.

On Saturday 1 May, The Lord Lisle, his brother, and others of his company came to London.

From the Original Manuscript.

III.

TO MR. WM. AYLESBURY.

Sir,

I received a letter from you about a month ago; but being then out of town, I had neither the opportunity of informing myself of the business you mentioned, nor returning you an answer until now. For what concerns your coming hither I make no doubt but it may be with security, unless you have had a hand in some business that I am ignorant of. I am much more uncertain of your effecting the business you speak of; for I do not know that the like hath been obtained otherwise than as a matter of favour by those whom the parliament hath had a desire to gratify; unless my Lord of Buckingham did make his peace; then his debts would be considered in that composition. And if my opinion were of value, I should advise that he would take this time for that work; for now

that all men are inclined to a peace with the king and his party, much more gentleness is to be expected than at another time. I do not know how averse his lordship's intentions and engagements with the prince may be to this proposition; you are a much better judge than I. If you have occasion to write any more to me, you may address your letters as the last, and I shall be sure to receive them; and if there be any occasion for me to serve you, you may be sure that I will employ the same care in your business, as you have ever found in

Your affectionate humble servant

AL. SYDNEY.

London, Oct. 4, 1648.

From Clarendon's State Papers, II. 421.

IV.

TO THE EARL OF LEICESTER*.

June 17, 1656.

My Lord,

Your lordship's letter of the 12th of this month, I received not till yesterday the 16th, which was the reason I did not sooner take notice

* Very remarkable. *Note by the late Mr. Perry of Penshurst.*

of it. In my poor opinion, the business of your lordship's house hath past somewhat unluckily, and that it had been better used to do a seasonable courtesy to my lord protector, than to have had such a play acted in it of public affront to him, which doth much entertayne the towne. I have been in some places where they told me they were exceedingly pleased with the gallant relation of the chief actor in it, and that by applauding him, they put him several times upon it. I did yesterday acquaint his highness, that your lordship had given an order that your house should serve his occasions, and that I was sorry his highness had forbade it, before those directions came. He told me he did give your lordship thanks for your intention to accommodate him. When I shall say that my meaning was that the fruit of this obligation should have been reaped in your lordship's and my ladye's concernements, I shall not have advanced much; but, upon this occasion, I shall say this also, that the only thing which ever my lord protector gave me, which was the office of *custos rotulorum* in Kent, a good while after Sir Henry Vane's death; when I had given him thanks, I made it my request that your lordship might have it, which he said he could not tell whether it might be, but that he would consider it, and with some other discourses that matter fell. I do rather

wish this may no farther be mentioned, because I am not sure my lord protector would be willing it should be spoken of. I have no more to say, towards this matter, but that I again ask your lordship's pardon, if I took more upon me than did belong to me; but, I assure your lordship, I undertook nothing. And then, my lord, I have my constant sorrow to see, that your lordship never omits an opportunity of reproach to me; and in earnest I think, laying all other matters aside, this, which hath appeared most eminently upon this occasion, is very extraordinary, that the *younger son* should so domineer in the house, that not only in regard to this matter, which I have spoken of, but at all times, I am uncertain whether I can have the liberty to look into it or no; for it seems it is not his chamber, but the great rooms of the house, and perhaps the whole he commands, and upon this occasion, I may most properly say it, that his extreamest vanity and want of judgment are so known that there will be some wonder at it*. For my own part I submit all to your lordship, and am,

Your lordship's

Very obedient son,

P. LISLE.

From the original Manuscript at Penshurst.

* This is meant of Algernon Sydney, who detested Cromwell, and never would submit to him. *Note by Mr. Perry.*

V.

THE ENGLISH PLENIPOTENTIARIES IN DENMARK TO THE SPEAKER OF THE PARLIAMENT.

Mr. Speaker,

We have within these two days heard the certain news of your being restored unto the exercise of your trust, and the re-assuming the government; which we will rather congratulate with the three nations than with you, since they are to receive the benefit of all your labours and counsels. God hath done great things by you, and given us reason to hope for all good things from you. The experience of what we have seen, and received, gives us a very unmoved assurance, that you will ever continue in that good and glorious path, in which you have hitherto walked; and not to take rest unto yourself, until the people under you may rest in liberty and safety. Having been for these last months far from you, we have not been able to give any other testimonies of our desires to serve you, than by our diligence in the work, which you had committed unto our care; and in that we have not yet been so successful as we have desired. The difficulties are great in reconciling various interests. The King of Sweden hath, until of late, shewed reluctance

unto the peace we have proposed unto him: within these few weeks he hath seemed to be of a gentler temper, and we believe, in a short time, all the difficulties on that side would have been removed, when it pleased God, by a fever, to put an end to his life, on the 12th of this month; by which we are fallen into new difficulties, and have sent this bearer, our secretary, to desire your orders how to behave ourselves in them. We have good grounds to be confident that the queen regent and senate will readily, according to the orders received from the dying king, embrace the conditions, that have been proposed, some little things being altered, which may be as much for the Danes' advantage as theirs. But if you should consent to the solicitations of the States of Holland, in changing the conditions agreed to at the Hague, as we hear they will endeavour to persuade you, we do not know how great difficulties will arise, nor how long the conclusion may be retarded. The dead king did ever say he valued your friendship above any state's or prince's in the world. His friends and servants hope you will continue unto this infant king, and his mother, the same friendship, which you have shewed unto him; and the protection of them hath something of noble and generous in it, besides the concernment of England, which is nearly interested in the preserva-

tion of the crown of Sweden, which is now in danger to be broken, and those to get the pieces, who will make use of them to your prejudice; which inconveniency may be, in a great measure, avoided, by keeping the United Provinces to those agreements from which they cannot recede, but by your consent. We have made a full relation unto the council of state of affairs here, and our proceedings in them, who are

Your most faithful and obedient servants,

AL. SYDNEY,
ROBERT HONYWOOD.

Copenhagen, the 25th February, 1659-60.

From Thurloe's State Papers, VII. 824.

VI.

TO THE HON. AULGERNON SYDNEY.

London, August 30, 1660.

Disuse of writing hath made it uneasy to me; age makes it hard; and the weakness of sight and hand makes it almost impossible. This may excuse me to every body, and particularly to you, who have not invited me much unto it; but rather have given me cause to think, that you were willing to save me the labour of writing, and yourself the trouble of reading my

letters. For after you had left me sick, solitary, and sad at Penshurst; and that you had resolved to undertake the employment, wherein you have lately been; you neither came to give a farewell, nor did so much as send one to me, but only writ a wrangling letter or two about money, etc. And tho' both before and after your going out of England, you writ to divers other persons; the first letter that I received from you was dated, as I remember, on the 13th of September; the second in November, wherein you take notice of your mother's death; and, if there were one more, that was all, until Mr. Sterry came; who made such haste from Penshurst, that coming very late at night, he would not stay to dine the next day, nor to give me time to write. It is true, that since the change of affairs here, and of your condition there, your letters have been more frequent. And if I had not thought my silence better both for you and myself, I would have written more than once or twice to you. But though for some reasons I did forbear, I failed not to desire others to write unto you; and with their own to convey the best advice, that my little intelligence and weak judgment, could afford; particularly not to expect new authorities nor orders from hence, nor to stay in any of the places of your negociation; not to come into England; much less, to expect a ship

to be sent unto you; or to think, that an account was, or could be expected of you here, unless it were of matters very different from your transactions there: that it would be best for you presently to divest yourself of the character of a public minister; to dismiss all your train; and to retire into some safe place, not very near nor very far from England, that you might hear from your friends sometimes. And for this I advised Hamburgh, where I hear you are, by your man Powel, or by them that have received letters from you, with presents of wine and fish, which I do not reproach, nor envy. Your last letter to me had no date of time or place; but by another at the same time to Sir John Temple, of the 28th July, as I remember, sent by Mr. Missenden, I guess that mine was of the same date. By those that I have had, I perceive that you have been misadvertised; for though I meet with no effects nor marks of displeasure, yet I find no such tokens or fruits of favour, as may give me either power or credit for those undertakings and good offices, which perhaps you expect of me. And now I am again upon the point of retiring to my poor habitation; having for myself no other design, than to pass the small remainder of my days innocently and quietly; and, if it pleases God, to be gathered in peace to my fathers. And concerning you,

what to resolve in myself, or what to advise you, truly I know not; for you must give me leave to remember, of how little weight my opinions and counsels have been with you, and how unkindly and unfriendly you have rejected those exhortations and admonitions, which, in much affection and kindness, I have given you upon many occasions, and in almost every thing, from the highest to the lowest, that hath concerned you; and this you may think sufficient to discourage me from putting my advices into the like danger. Yet somewhat I will say: and first, I think it unfit, and perhaps as yet unsafe, for you to come into England; for I believe Powell hath told you, that he heard, when he was here, that you were likely to be excepted out of the general act of pardon and oblivion: and though I know not what you have done or said here or there, yet I have several ways heard, that there is as ill an opinion of you, as of any, even of those that condemned the late king. And when I thought there was no other exception to you, than your being of the other party, I spoke to the general in your behalf, who told me, that very ill offices had been done you; but he would assist you as much as justly he could. And I intended then also to speak to somebody else; you may guess whom I mean; but since that, I have heard such things of you, that in the

doubtfulness only of their being true, no man will open his mouth for you. I will tell you some passages, and you shall do well to clear yourself of them. It is said that the university of Copenhagen brought their *Album* unto you, desiring you to write something therein; and that you did *scribere in Albo* these words

Manus haec inimica tyrannis
Ense petit placidam sub libertate quietem;

and put your name to it*. This cannot but be publicly known if it be true. It is also said, that a minister, who hath married a Lady Laurence here at Chelsea, but now dwelling at Copenhagen, being there in company with you, said, "I think you were none of the late king's judges, nor guilty of his death," meaning our king. "*Guilty!*" said you, "*Do you call that guilt? why it was the justest and bravest action, that ever was done in England, or any where else,*" with other words to the same effect. It is said also, that you having heard of a design to

* *Monsieur Terlon*, the French ambassador, had the confidence to tear this verse out of the Book of Mottos, though he understood not a word of Latin, being told by others the meaning of that sentence, which he considered as a libel upon the French government, and upon such as was then setting up in Denmark by French assistance or example. *Preface to Lord Molesworth's Account of Denmark.*

seize upon you, or to cause you to be taken prisoner, you took notice of it to the King of Denmark himself, and said, "I hear there is a design to seize upon me; but who is it hath that design? *Est ce nôtre bandit?*" by which you are understood to mean the king. Besides this, it is reported, that you have been heard to say many scornful and contemptuous things of the king's person and family, which, unless you can justify yourself, will hardly be forgiven or forgotten; for such personal offences make deeper impressions, than public actions, either of war or treaty. Here is a resident, as he calls himself, of the King of Denmark, whose name I hear is Pedcombe; he hath visited me, and offered his readiness to give you any assistance in his power or credit, with the ambassador Mr. Alfield, who was then expected, and is now arrived here, and hath had his first audience. I have not seen Mr. Pedcombe since; but within a few days, I will put him in mind of his profession of friendship to you, and try what he can or will do. Sir Robert Honywood is also come hither; and, as I hear, the king is graciously pleased to admit him to his presence; which will be somewhat the better for you; because then the exceptions against your employment and negociation, wherein you were colleagues, will be removed, and you will have no more to answer for,

than your own particular behaviour. I believe Sir Robert Honywood will be industrious enough, to procure satisfaction to the merchants in the business of money; wherein he will have the assistance of Sir John Temple, to whom I refer you for that and some other things. I have little to say to your complaints of your sister Strangford's unequal returns to your affection and kindness; but that I am sorry for it, and that you are well enough served for bestowing so much of your care where it was not due, and neglecting them to whom it was due; and I hope you will be wiser hereafter. She and her husband have not yet paid the thousand pounds, whereof you are to have your part of my gift; for so, I think, you are to understand it, though your mother desired it; and if, for the payment thereof, your being in England, or in some place not far off be necessary, as some pretend, for the sealing of some writings, I think that and other reasons sufficient to persuade you to stay awhile where you are, that you may hear frequently from your friends and they from you. I am wholly against your going into Italy as yet, till more may be known of your condition, which, for the present, is hard; and I confess that I do not yet see any more than this, that either you must live in exile, or very privately here, and perhaps not safely; for though the Bill of in-

demnity be lately passed; yet if there be any particular and great displeasure against you, as I fear there is, you may feel the effects thereof from the higher powers, and receive affronts from the inferior. Therefore you were best to stay at Hamburgh, which for a northern situation is a good place and healthful. I will help you as much as I can, in discovering and informing you of what concerns you; though, as I began, so I must end, with telling you, that writing is now grown troublesome to

Your affectionate

LEICESTER.

From *Familiar Letters written by John late Earl of Rochester, and other persons of honour and quality.*

VII.

SIR JOHN TEMPLE TO THE EARL OF LEICESTER.

Durham Yard, Nov. 21, 1660.

Neither have I lately heard from your son abroad;—the last letter I received from him bore date from Venice. He was then taking his journey towards Rome, where he intended to make his winter's abode, and to be ready to

obey your lordship's commands in his return this way next spring, if you shall please to declare yourself, where you think fit to have him live for the present, and how he shall be maintained, in that course or place you shall prescribe. I find him very much unsatisfied with your lordship's last letter which he received a little before he left Frankfort. You may please to consider what a dangerous place he now resides in, what fates he shall there meet withall to work upon his discontents. I shall most humbly offer it to your lordship, whether you will not think fit to write somewhat to him that may let him know that you shall continue your affections to him, and take care of his subsistence. I confess I think him in very great danger; and that he may run such a course, for he speaks of going to serve against the Turks, as will deprive his friends from all means of his recovery.

Durham Yard, Jan. 23, 1660.

I have here returned your son's letter. I gave it to my Lord of Northumberland to make use of, which he did, though with no great success. I received a letter from him this week, he is very well, and continues still at Rome. He writes very discontentedly, and expresseth much trouble and a very deep sense of your

lordship's displeasure, which he thinks falls very unhappily upon him in this condition.

From the Original Manuscript at Penshurst.

VIII.

SIR JOHN TEMPLE TO THE EARL OF LEICESTER.

Dublin, June 19, 1661.

I shall not presume to put your lordship in mind of your son Algernon's concernments: I doubt not of your care of them; but I shall only tell you, that I left his business in the Fenns in very ill condition when I came away, and therefore shall desire you will be pleased to give Mr. Hoskins leave for some few days, to go down thither to look after it *.

Dublin, July 31, 1661.

I am extreme glad to find your lordship's resolution to help your son Algernon: I believe you could never do it in a more seasonable time. The last letter I received from him, which bore date some months since, was full of high discontents, expressing the great sense he had of his friend's neglect of him. He very well understands how ill his affairs go here, and I very

* Lord Leicester wrote to his son, Algernon Sydney, on the 28th of June, 1661.

much apprehend the ill impression that his own wants may fix in him. If your lordship would be pleased to express now your fatherly care of him; and to send him such a supply at present, as might express your affection to him, I think it were a work worthy of you, and such as would be a perpetual tie and obligation upon him for the future.

From the Original Manuscript.

IX.

MEMOIRES HISTORIQUES. AN. 1666.

Mais tandis que cette aventure* sembloit nous ôter le moyen de nous joindre pour les attaquer ouvertement, je cherchois de ma part des moyens secrets pour les affoiblir: d'une part, je ménageois les restes de la faction de Cromwell, pour exciter par leur crédit, quelque nouveau trouble dans Londres; et d'autre côté, j'entretenois des intelligences avec les Catholiques Irlandais, lesquels, etant toujours fort mécontens de leur condition, sembloient aussi toujours prêts à faire un effort pour la rendre plus supportable.

* The retreat, as he calls it, of de Ruyter and Van Tromp.

Sur ces differentes pensées, j'écoutai les propositions que me furent faites par M. Sidney, gentilhomme Anglais, lequel me promettoit de faire éclater dans peu quelque soulèvement, en lui faisant fournir cent mille écus; mais je trouvai la somme un peu trop forte, pour l'exposer ainsi sur la foi d'un fugitif, à moins de voir quelque disposition aux choses qu'il me faisoit attendre. C'est pourquoi je lui offris de donner seulement vingt mille écus comptant, avec promesses d'envoyer après aux soulevés tout le secours qui leur seroit nécessaire, aussitôt qu'ils paroîtroient en état de s'en pouvoir servir avec succés.

Œuvres de Louis XIV. ii. 203.

X.

TO ALGERNON SYDNEY.

1st, 1st Month, 79.

Deare friend,

I hope you gott all well home, as I by God's goodness have done. I reflected upon the way of things past at Guildford, and that which occurs to me as reasonable is this; that so soon as the articles or exceptions are digested, show them to Serjeant Maynard, and get his opinion of the matter; Sir Francis Winington or Wallope, have been used on those occasions too. Thou must have counsel before the committee,

and to advise first upon the reason of an address or petition with them, in my opinion, is not imprudent but very fitting. If they say, that, the conjuncture considered, thy qualifications and alliance, and his ungratefulness to the House, they believe all may amount to an unfair election; then I offer to wait presently upon the Duke of Buckingham, Earl of Shaftesbury, Lord Essex, Lord Halifax, Lord Hollis, Lord Grey, &c. to use their utmost interest in reversing this business. This may be done in five days, and I was not willing to stay till I come, which will be with the first. Remember the non-residents on their side as Legg, &c. I left order with all our interest to bestir themselves, and watch, and transmit an account to thee daily. I bless God I found all well at home. I hope the disappointment so strange (140 poll men as we thought last night considered) does not move thee; thou (as thy friends) had a conscientious regard to England; and to be put aside, by such base ways, is really a suffering for righteousness; thou hast embarked thyself with them, that seek and love, and chuse the best things; and number is not weight with thee. I hope it is retrievable, for to me it looks not a fair and clear election. Forget not that soldiers were made free three weeks ago, in prospect of the choice (and, by the way they went, we may guess for

Delmahoy's sake) and thyself so often put by, a thing not refused to one of thy condition. Of the lower House, the Lord Cavendish, and especially Lord Russell, Sir Jo. Coventry, Powell, Saychevrill, Williams, Lee, Clergis, Boskowen, Titus. Men some able, some hot, and fit to be nearly engaged in the knowledge of these things. 'Tis late, I am weary, and hope to see thee quickly. Farewell.

Thy faithful friend,

WILLIAM PENN.

From Collins's Memoirs of the Sydneys, 154.

XI.

ALGERNOON SIDNEY'S CASE CONCERNING THE ELECTION FOR THE TOWN OF GUILFORD IN SURREY.

Before the election Colonel Sidney went to the mayor, and acquainted him of his intentions to stand for the towne of Guilford, and desired him to acquaint the corporation therewith; to which the mayor answered, that both himself and they were engaged to Mr. Delmahoy, and that it was the custom of the town, for the electors to vote, as the magistrates, who were the mayor and aldermen, did.

Col. Sidney informed the mayor, that he

heard Mr. Delmahoy's party had given out, that he was incapable of being chosen a burgess for that town, because he was no freeman; to prevent which objection, he did tender himself to him, and desire he might be made free of the town of Guilford; to which the mayor answered, it did not depend upon him, but upon the rest of the magistrates, and that he would propose it to them, and return the colonel their answer, which he never did. Upon the day of election, the colonel went again, and renewed his desire of being made free of the town; to which the mayor answered as before, but never returned the colonel any answer.

The mayor, upon the colonel's going to him, which was the Friday senight before the election, desired to know when the election would be; to which the mayor replied, Friday next, or Monday senight: and withal promised, whatever day it was, that the colonel should have timely notice thereof. Upon which, on the Thursday after, the colonel came down part of the way, but hearing the poll for the county was not over (which ended not till Friday morning) did not come to Guilford till Friday, expecting the election to be on Monday, as before agreed. But the other party, hearing the colonel was come, prevailed with the mayor, at past 12

o'clock on Friday, to proclaim the election next day at 9, which was market day, and never known before.

At the time of the election, and after the precept read, the recorder asked who stood, and being answered, amongst the rest of the competitors, Colonel Sidney, he asked if he was a freeman; and being answered no; he, in the court-house, where the election was, openly declared before the electors, he could not be chosen, although he had the plurality of voices; so as many of those, that were for the colonel, refused to poll, and others, that were for him, would give no voice upon the account of what the recorder said. Several of those that would have polled for the colonel were laughed at and affronted, and refused their poll, because they did not pronounce the colonel's name right. They refused several that had voice to be polled for the colonel, and admitted several that had not for Mr. Delmahoy; as almsmen and others, that received the charity of the corporation.

Several, that would have voted for the colonel, were threatened, that, if they did not vote for Mr. Delmahoy, they should not receive the benefit that others did of a considerable revenue that belongs to the town, and particularly the

landlord of the Crown-Inn, where the Lord Longford owed a considerable sum of money, (three hundred pounds and upwards) upon account of the election of knights of the shire; that if he voted for the colonel and not for Delmahoy, he should never be paid, or at least not in a long time; in which matter the whole town were almost concerned, and in probability the same argument might be used to many of them, as well as to the man of the Crown.

One Mr. Penn, a quaker, appearing for the colonel, was called into the court, and hindered from encouraging such as were for the colonel; and told by the recorder he was a jesuit, (in affront to the colonel) to whom the recorder would have tendered oaths, (at that time contrary to law,) and at last the mayor turned him out of the court, and forbid him to appear amongst the colonel's party, to the great discouragement of them; and more particularly to such as were of the same persuasion with Mr. Penn; amongst which party the colonel had several voices.—

From Collins's Memoirs of the Sydneys, 153.

XII.

TO ALGERNON SYDNEY.

Weston, 29, 5th Month, 79.

I am now at Sir John Fagg's, where I and my relations dined. I have pressed the point with what diligence and force I could; and to say true, Sir John Fagg has been a most zealous, and, he believes, a successful friend to thee. But, upon a serious consideration of the matter, it is agreed that thou comest down with all speed; but that thou takest Halland in thy way, and bringest Sir John Pelham with thee, which he ought the less to scruple, because his having no interest, can be no objection to his appearing with thee; the commonest civility, that can be, is all desired. The borough has kindled at thy name, and takes it well; if Sir John Temple may be credited, he assures me it is very likely; he is at work daily. An other, one Parsons, treats to-day. But for thee, as well as himself, and mostly makes his men for thee, and perhaps will be persuaded, if you two carry it not, to bequeath his interest to thee, and then Captain Goring is thy colleague; and indeed this I wish, both to make the thing the easier, and to prevent offence. Sir John Pelham sent me word, he heard that his brother Henry Sidney would be proposed to that bo-

rough, or already was, and, till he was sure to the contrary, it would not be decent for him to appear; of that thou canst best inform him. That day you come to Bramber, Sir John Fagg will meet you both; and that night you may lye at Weston, and then, when thou pleasest with us at Worminghurst. Sir John Temple has that opinion of thy good reasons to persuade, as well as quality to influence the electors, that, with what is and will be done, the business will prosper; which with my true good wishes that it may be so, is all at present, from

thy true friend,

WILLIAM PENN.

Sir John Fagg salutes thee.

From Collins's Memoirs, 155.

XIII.

D'AVAUX.

J'en parlai à un des plus considérables republicains de Hollande, qui avoit un commerce fort etroit avec les principaux membres du parlement d'Angleterre: et je fis representer par cette voie au Colonel Sidney, fameux republicain, qui à eu depuis la tête tranchée; que tant que le Prince d'Orange seroit aussi puissant qu'il étoit dans les états-généraux, il n'y auroit rien de plus prejudiciable au parlement

d'Angleterre, et à la republique de Hollande, que de laisser unir le roi de la Grand Bretagne avec le Prince d'Orange, puisque ce ne seroit que pour opprimer leur liberté commune; et que la grandeur et la puissance du roi de France, qu'on prenoit pour prétexte de cette union, ne pourroit jamais être plus nuisible à l'un ni à l'autre état, que cette alliance, qu'ils devoient s'efforcer de part et d'autre d'empêcher. Le Colonel Sidney écrivit à son ami, qu'il avoit été si fortement persuadé par ces raisons, qu'il les avoit fait goûter à la plus grande partie du parlement. Il lui mandoit, néanmoins, en même tems, que le roi commençoit à secourir puissamment le roi d'Angleterre; qu'il lui avoit envoyé depuis peu beaucoup d'argent; et que si le roi d'Angleterre pouroit, avec l'aide du roi, se passer de son parlement, il en deviendroit tout à fait le maître, et qu' ainsi cela pourroit les obliger s'unir avec les états-généraux. Je ne rapporterai point tout ce que l'on manda là dessus au Colonel Sidney; il suffit de dire qu'on le persuada si bien lui et ses amis, qu' après une negociation de trois mois, la ville de Londres, et les principaux membres du parlement d'Angleterre, refuserent positivement de fournir l'argent qui étoit necessaire au roi d'Angleterre pour soutenir l'alliance avec les états-généraux.

Negociations de Monsieur le Comte d'Avaux, en

Hollande, depuis 1679, *jusqu' en* 1684, tom. i. p. 8.

XIV.

BARILLON AU ROI. 14 DECEMBER 1679.

" M. de Sidney m'a été d'une grande utilité en bien d'occasions. C'est un homme qui a été dans les premières guerres, et qui naturellement est enemi de la cour. On l'a soupçonné depuis quelque tems de s'être laissé gaigner par milord Sonderland; mais il me paroit toujours avoir les mêmes sentimens, et n'avoir point changé de maximes. Il a beaucoup de crédit parmis les independans, et est ami intime de ceux qui sont les plus opposés à la cour dans le parlement: il a été élu pour celui-ci. Je ne lui ai donné que ce que votre majesté m'a permis. Il auroit bien voulu avoir d'avantage, et si on lui faisoit quelque gratification nouvelle, il seroit aisée de l'engager entièrement. Cependant il est dans les dispositions fort favorables pour ce que votre majesté peut désider, et ne voudroit pas que l'Angleterre et les états généraux fissent un ligue. Il est fort mal avec son frère qui est en Hollande, et se moque de ce que le cour s'en sert pour un negociateur. Je crois

que c'est un homme qui seroit fort utile, si les affaires d'Angleterre se portent à l'extremité."

Dalrymple's Memoirs, II. 257.

XV.

BARILLON AU ROI. SEPT. 30, 1680.

"Il y en a qui s'appliquent depuis quelque tems, à me faire entendre que c'est une vieille erreur de croire que l'intérêt de la France soit entièrement opposé à souffrir que l'Angleterre soit en republique; ils pretendent prouver par de bonnes raisons, et par l'example du passé, que la reunion de l'Angleterre sous un roi protestant, autorisé comme seroit le Prince d'Orange, est beaucoup moins conforme au veritable intérêt de la France, que ne seroit une republique, qui seroit plus occupée du commerce que d'aucune autre chose, et qui croiroit, comme a fait Cromwell, pouvoir plutôt profiter sur l'Espagne que sur la France. Ils ajoutent que l'intérêt de l'Angleterre en republique, et celui de la Hollande gouvernée comme elle est, peuvent difficilement s'accorder ensemble, au lieu que M. le Prince d'Orange peut reunir en sa personne, la puissance des états généraux et de l'Angleterre: en fin on établit pour un fondement certain,

que la Maison de Stuart et celle d'Orange soit unie enseparablement, que leur intérêt commun les engage à augmenter leur pouvoir en Angleterre et en Hollande, et que l'intérêt de la France est de maintenir les libertés et les priveleges des deux nations, et de travailler plutôt à la ruine de ceux qui les veullent opprimer: on croirroit même que la sureté de la religion catholique pourroit s'établir en Angleterre, si l'on ne craignoit plus qu'un prince catholique fut en état de changer le gouvernement et les loix; et on voit par l'example de la Hollande, combien la condition des catholiques est meilleure qu'en Angleterre. M. de Sidney est un de ceux qui me parlent le plus fortement, et le plus ouvertement sur cette matière."

Dalrymple's Memoirs, II. 312.

XVI.

SIR LEOLIN JENKINS KN^T OF HIS MA^TIES MOST HON^BLE PRIVY COUNCILL AND PRINCIPALL SECRETARY OF STATE.

These are in his ma^ties name to will and require you to take into your custody the body of Algernoon Sidney Esq^r. for high treason, in compassing the death of our souveraine lord the

king (whom God preserve) and in conspiring to levy war against his ma^tie^; and him the said Algernoon Sidney safely to keep till he be delivered by due course of law, and for so doeing this shall be your warrant. Given under my hand and seale at Whitehall this 25^th^ day of June in the 35^th^ year of his ma^ties^ reigne and in the year of our Lord 1683——

L. JENKINS.

To THOMAS CHEEK, Esq. Lieutenant
of his ma^ties^ Tower of London.

From the original warrant in the Tower.

XVII.

SIR GEORGE JEFFERIES.

" But I cannot be silent as to our chief judge, and I will name him, because what I have to say, will appear more probable: his name is Sir GEORGE JEFFERIES, who I must say behaved more like a jack pudding, than with that gravity that beseems a judge; he was mighty witty upon the prisoners at the bar, he was very full of his jokes upon people that came to give evidence; not suffering them to declare what they had to say, in their own way and method, but would interrupt them, because they behaved themselves with more gravity than he; and in

truth, the people were strangely perplexed when they were to give in their evidence; but I do not insist upon this, nor upon the late hours he kept up and down our city; it is said he was every night drinking till two o'clock, or beyond that time, and that he went to his chamber drunk; but this I have only by common fame; for I was not in his company; I bless GOD I am not a man of his principles or behaviour; but in the mornings he appear'd with the symptoms of a man that over night had taken a large cup."

Lord Delamere's Works, 8vo. 1694, p. 143.

XVIII.

PLEA DRAWN BY SERJEANT ROTHERAM.

Predict' *Algernon Sidney* dicit quod per statut' in parliamento inchoat' et tent' apud Westm' octavo die Maij, anno regni domini regis nunc decimo tertio, et ibi continuat' usque tricesimum diem Julij tunc prox' sequen', et ab eodem tricesimo die Julij adjornatum usque vicesimum diem Novembris tunc prox' sequen', intitulatum *An Act for the safety and preservation of his majesty's person and government, against treasonable and seditious practices and attempts*, inter alia, ordinat', et inactitat' fuit per auctoritatem parlia-

menti predicti quod null^{t} persona sive personæ virtute actus prædicti, incurreret, aliquas penalitates in actu predicto mentionat^{t}, nisi ipse vel ipsi prosecut^{t} esset vel essent infra sex menses prox^{s} post offens^{t} commiss^{s}, et indict^{t} esset superinde infra tres menses post talem prosecutionem, aliquo in statuto predict^{o} content^{o} in contrarium non obstante. Et predictus *Algernon* ulterius dicit quod ipse prosecut^{t} fuit, et commissus prisonæ Turris de London pro offens^{t} in indictamento predict^{o} mentionat^{t}, vicesimo sexto die Junij ultimo preterito, et non antea et ibidem continuat^{t} prisonar^{s} huc jusque; et quod ipse predict^{s} *Algernon* non fuit indictat^{t} pro aliquo vel aliquibus offens^{t} in indictamento predict^{o} mentionat^{t} infra tres menses prox^{s} post prosecutionem predict^{s}. Et hoc predict^{s} *Algernon* parat^{t} est verificare; unde petit judicium, si ipse predict^{s} *Algernon* quoad aliquod crimen sive offens^{t} in indictamento predict^{o} mentionat^{t} quod crimen vel offens^{t} non fuit alta proditio ante confectionem statuti predict^{o} respondere debeat, et quoad omnes proditiones, crimina et offens^{t}, in indictamento predict^{o} mentionata, quæ non fuere vel fuit alta proditio ante confectionem statuti predict^{o}, idem *Algernon* dicit, quod per statutum in parliamento tento apud Westm^{r} in com^{t} Middlesex, in festo Sancti Hillarij, anno regni domini Edwardi nuper regis Angliæ tertij, anno regni sui vicesimo quinto editum, intitulatum

A declaration, which offences shall be judged high treason, inter alia, inactitatum fuit autoritate ejusdem parliamenti, quod si ullus casus supposit̃us esse proditio qui non specificatur in eodem statuto, acciderit coram aliquibus justitiarijs, justiciarij moram facient, (Anglice *shall tarry*), sine aliquo progressu ad judicium, (Anglice *going to judgment*) de predict̃â proditione usque causa monstretur et declaretur coram rege et parliamento suo. Quodque per statutum in parliamento tent' apud Westm', in com' Midd', quinto die Octobris, anno regni Dominæ Mariæ nuper reginæ Angliæ primo, intitulatum, *A repeal of several treasons, felonies, and premunires*, inactit' fuit, inter alia, autoritate ejusdem parliamenti, quod abinde nullum factum vel offens' existen' per actum parliamenti, vel statut' fact proditio per verba script' notationem (Anglice *cypher-ing*) fact' aut aliter quocunque capt' habit' census (Anglice *deemed*) vel adjudicat' esse alta proditio, nisi tantum tal' quæ declarantur et exprimuntur esse proditio in vel per actum parliamenti, vel statut' factum, in anno vicesimo quinto regni prenobilis regis Edwardi tertij, tangen' vel concernen' proditiones vel declarationes proditionis et nul' al', nec quod aliquæ pœnæ mortis, penalitates, vel foris factur' in aliquo modo sequuntur (Anglice *ensue*) vel sint alicui peccatori (Anglice *offender*) vel peccatoribus (Anglice,

offenders) pro facien' vel committen' aliquam proditionem, aliter quam tal' quæ, in statuto predicto facto, in dicto anno vicesimo quinto regni dicti Edwardi regis, ordinat' et provis', aliquo actu vel actus parliamenti, statut' vel statuta ad aliquod tempus antea habit' vel fact', post dictum vicesimum quintum annum dicti nuper regis Edwardi tertij, vel aliquam al' declarationem vel materiam, in contrarium, aliquo modo non obstante. Et predictus *Algernon* dicit, quod ipse non est culpabilis de aliquâ vel aliquibus proditione vel proditionibus in indictamento predicta mentionat' quæ specificatur vel specificantur in statuto ultimo mentionato modo et formâ prout in indictamento predicto mentionat'. Et de hoc ponit se super patriam.

Display of Tyranny, II. 320.

XIX.

TO THE KING'S MOST EXCELLENT MAJESTIE.

THE HUMBLE PETICION OF ALGERNON SIDNEY, ESQ.

Most humbly sheweth,

That your peticioner haveing had notice to prepare for his triall for Wednesday next, and finding that it will be absolutely necessary for him, in order to his defence therein, to have a

copy of the record of the attainder of Wm. late Lord Russell. And also a copy of the indictment against your peticioner or att least of some part thereof, but being denyed the same by Mr. Attorney Generall, doth most humbly beseech your majestie to signify your royall pleasure to Mr. Attorney Generall to issue his warrant for the same, without which your peticioner cannot be ennabled to make his just defence.

And your peticioner shall ever pray, &c.

AL. SYDNEY.

From the Original in the State Paper Office, Whitehall.

XX.

THE NAMES OF THE JURORS INT. DOM. REGEM ET SYDNEY.

Sir Reginald Foster, of Cripplegate, Bart.
Sir John Musters, of Hornsey, Knt.
Peregr. Berty, of St. Martyns in the Fields, Esq.
Richard Morley, of the same, Esq.
Jas. Supple, of St. Martyns in the Fields, gent.
JOHN ANGIER, of Westminster, gent.
Richard Fisher, of the same, gent.
John Kirke, of the same, gent.
Christopher Granger, of the same, gent.

John Nichol, of Finchley, gent.
Wm. Cleeve, of Cripplegate, gent.
Richard White, of the same, gent.
Sir C. Gerard, of Harrow on the Hill, Bart.
Sir Richard Fisher, of Clerkenwell, Bart.
Sir Robert Dacres, of Clerkenwell, Bart.
Sir J. Kirke, of St. Martyn's in the Fields, Knt.
John Wells, of Marybone, gent.
Samuel Lynn, sen. of Clerkenwell, gent.
Michael Todd, of the same, gent.
Wm. Lynn, of the same, gent.
Lawrence Wood, of Holborn, gent.
John Powell, of the Strand, gent.
Hugh Hammersley, of the same, gent.
John Cannon, of St. Giles in the Fields, gent.
Sir John Brattle, of Enfield, Knt.
Sir Richard Downton, of Isleworth, Knt.
Sir Wm. Hill, of Teddington, Knt.
Ralph Hawtrey, of Rislip, Esq.
Francis Knowles, of Covent Garden, Esq.
Thomas Hinton, of St. Giles in the Fields, gent.
John Merridell, of the same, gent.
John Bayley, of the same, gent.
Abel Andrews, of Edmonton, gent.
Reuben Bourne, of Edmonton, gent.
Emery Arguise, of Westminster, gent.
Rd. Cooper, of St. Martyn's in the Fields, gent.
Thomas Rowe, of Hornsey, Esq.
John Bathurst, of Edmonton, Esq.

Richard Pagitt, of Westminster, Esq.
Nehemiah Arnold, of the same, Esq.
William Freeman, of Hatton Garden, Esq.
William Avery, of Enfield, Esq.
Francis Stevens, of Westminster, Esq.
Tho. Phelps, of St. Martyn's in the Fields, gent.
John Smalbone, of the same, gent.
Thomas Whitfield, of the same, gent.
John Haynes, of the same, gent.
Charles Monke, of the same, gent.
John Sharpe, of Wapping, Esq.
Josias Clerke, of Chiswick, Esq.
William Wayte, of St. Clement's Danes, gent.
John Bignal, sen. of St. Martyn's in the Fields, gent.
George Glisby, of the same, gent.
Nicholas Baxter, of the same, gent.
Thomas Roberts, of the same, gent.
John Hazard, of St. Clement's Danes, gent.
Jeremiah Plainer, of the same, gent.
William Reeves, of the same, gent.
William German, of the same, gent.
Thomas Claxton, of Harrow, Esq.
Charles Prior, of Highgate, Esq.
Thomas Curtis, of St. Clement's Danes, Esq.
——— Bradshaw, of the Strand, Esq.
Thomas Kensey, of St. Giles in the Fields, Esq.
Richard Taylor, of Chiswick, Esq.
William Groves, of St. Clement's Danes, gent.

JOHN BURT *, of the Savoy, gent.
Samuel Lynn, jun. of Holborn, gent.
Richard Bromfield, of the same, gent.
Edward Hampstead, of St. Giles, gent.
Benjamin Boltby, of the same, gent.
Christopher Chambers, of the same, gent.
Arthur Blythe, of Paddington, gent.
John Leeson, of the Strand, gent.
Thomas Elton, of Stepney, gent.
Nicholas Grice, of Hesson, Esq.
Simon Smith, of Westminster, Esq.
Bartholemew Parr, of East Smithfield, gent.
Francis Child, of Acton, gent.
John Davis, of St. Martyn's, gent.
John White, of the same, gent.
Stephen Phillips, of the same, gent.
Richard Foster, of Westminster, gent.
Thomas Graves, of the Strand, gent.
John Singleton, of the same, gent.
Thomas Tatter, of the same, gent.
Robert Longland, of St. Giles, gent.
James Blagrave, of the same, gent.
William Abel, of the same, gent.

From Sir William Williams's Manuscripts.

* The names printed in small capitals were the jury actually sworn. Of these Angier, Arguise, and Glisby, were carpenters, Wood, a tailor, Baxter, a horse-rider, and Groves, a cheesemonger.

Display of Tyranny, 186.

XXI.

REMARKS ON ALGERNON SIDNEY'S TRIAL, BY SIR JOHN HAWLES, KNIGHT, SOLICITOR GENERAL TO KING WILLIAM III.

The Lord Russell being executed, and the same day what was called his speech being published, than which nothing in print was so eagerly accepted or sought after, which shewed the inclination of the people, there was some respite for quieting the minds of the people; but it was not to stop there, and therefore Colonel Sidney, who was talked to death under the notion of a commonwealth's-man, was, the 7th of November 1683, brought to Westminster to be arraigned on an indictment of high treason. The indictment, at the time he came to the hall, was so far from being found by the grand jury, that it was not so much as presented to them; but the king's counsel who had packed the jury, knew well enough that it would be accepted, that is found upon sight by the jury, without any consideration; which was accordingly done, and Colonel Sidney thereupon arraigned. The indictment was for designing to depose the king, and to persuade the king's subjects to rebel; and that he did write a certain libel, wherein it was contained, that he (meaning king Charles II.)

is subject to the law of God, as he is a man; to the people who made him such, as a king, &c. To which indictment he would have put in some exceptions, exprest in a parchment in his hand, but was told by the court he must either plead or demur, and upon no other terms exceptions could or ought to be admitted; after which he pleaded *not guilty*.

The 21st of November he was tried, at which time, he insisted to have a copy of his indictment, as he had done when he was arraigned; but was both times denied. The first witness against the prisoner was Mr. West, against whom Colonel Sidney objected because he was not pardoned; but it was answered by the court, that he was a good witness in my Lord Russell's trial, and therefore should be in that. Then Colonel Sidney desired Mr. West might speak nothing but what he knew of Colonel Sidney; but was answered by the court, he might give evidence of a plot in general, though Colonel Sidney was not concerned in it; and it was called Sir William Jones's law. Then Mr. West went on, and gave evidence of what Colonel Rumsey, Mr. Nelthorp, and Mr. Ferguson told him of Colonel Sidney; but of his own knowledge he could not say any thing of the prisoner. Rumsey gave a like evidence he

had done in my Lord Russell's trial, with an addition of what Mr. West and Mr. Goodenough told him; Keeling gave evidence of what Goodenough told him; all which the court agreed was no evidence against the prisoner. Then the Lord Howard gave the like evidence, from the middle of January to that time, as he had done in the Lord Russell's trial, saving that he said the Earl of Shaftesbury was brought into the cabal, who was not mentioned before; and save that he said the meeting at my Lord Russell's was about a fortnight or three weeks after the meeting at Mr. Hampden's; whereas in my Lord Russell's trial, he says it was about ten days after the meeting at Mr. Hampden's house; and here he makes two notable speeches for Mr. Hampden at the opening of the consult, both of which he had forgotten at my Lord Russell's trial, nor could remember at Mr. Hampden's trial, though in the last he was led by a great many questions to put him in mind of them. After his evidence given, Colonel Sidney was asked, whether he would ask the witness any questions? who answered he had no questions to ask him; whereupon the attorney general said, 'Silence—you know the proverb.'

The record of the Lord Russell's conviction and attainder was given in evidence. Sir Andrew

Foster swore Sir John Cockram and the two Campbell's came to London. Sir Philip Lloyd proved the seizing of some papers in the prisoner's house, and he did believe the papers shewn in court to be some of them. Shepherd, Carey, and Cooke swore the writing produced was like the prisoner's hand-writing. The attorney general desired some part of the writing should be read; the prisoner desired all of it might be read, but was answered by the court, that the attorney must have what part of it he would to be read, and afterwards the prisoner should have what part of it he would to be read; but he persisted to desire all of it should be read. Then the writing was read, which was plainly an answer to a book, but what book was not mentioned, in which the right of the people was asserted. The Earl of Anglesey gave the same evidence for the prisoner, of the Lord Howard's speaking of my Lord Russell, and the plot, as he had done in my Lord Russell's trial. The Earl of Clare said that the Lord Howard, after Colonel Sidney's imprisonment, said, if he was questioned again, he would never plead; the quickest dispatch was the best; he was sure they would have his life; and, speaking of the primate of Armagh's prophecy, he said, the persecution was begun, and he believed it would be very sharp, but hoped it would be short;

and said he thought Colonel Sidney as innocent as any man breathing, gave him great encomiums, and bemoaned his misfortunes; and as for Colonel Sidney's papers, he said, he was sure they could make nothing of them. Mr. Philip Howard said, the Lord Howard said it was a sham plot; Dr. Burnet gave the same evidence as he did in my Lord Russell's trial. Mr. Ducas gave evidence, that the Lord Howard said he knew nothing of Colonel Sidney's being in any plot. The Lord Paget gave evidence to the same purpose. Mr. Edward Howard gave evidence to the same purpose. Tracy and Penwick gave evidence to the same purpose. Mr. Blake testified, that the Lord Howard said he had not his pardon, and could not ascribe it to any other reason, than that he must not have it till the drudgery of swearing was over. Now to review what hath been said, it is strange to see what a progress was made in the resolutions of points of law, to take away a man's life; to say it in Colonel Sidney's words, as if the court and counsel thought it their duty to take away a man's life any how. Mr. West and several others, are admitted to give evidence by hearsay against the prisoner, and their evidence summed up and urged as evidence to the jury; and the reason given for it was, that he was admitted a good witness of a like matter in the Lord Rus-

sell's trial; which, besides that it was not true, for it was rejected in that trial, as it appears it was in the print, yet if he had been admitted, of no authority, as Colonel Sidney said, because, perhaps he was not excepted to. Of a like stamp is the evidence of the conviction of the Lord Russell; though I agree the Lord Russell's conviction was as good evidence against Colonel Sidney, as the Earl of Essex's murder was against my Lord Russell, and no better. The same may be said of Rumsey, Keeling, Foster, and Atterbury's evidence. Against the Lord Howard's evidence there were the same objections as in the Lord Russell's trial, with the addition of several other persons testifying that he said he knew not, nor believed any thing of the matter; and that he could not have his pardon, till he swore others out of their lives, which in truth was the sense of his expressions.

The king's counsel, indeed, had thought of something since the trial of my Lord Russell, to palliate the matter of the Lord Howard's sayings, for they leaned hard upon his reputation, and looked as if he would perjure himself at the expense of some persons lives, as his words are in the Lord Russell's trial. Would you, say they, have had him confessed the matter to those persons to whom he had denied it.

I think there is a difference between confessing and denying. Who asked him the question? What did it avail him to deny it to the persons testifying against him; and therefore when he voluntarily said a thing untrue, unasked, not provoked or compelled to do it, and which could do him no good, it was good evidence of his untruth, and that no credit ought to be given to what he swore.

As for the last part of the evidence, which was about the writing, both the indictment and the evidence was defective.

As for the evidence, if the subject matter of the writing had been evidence of treason, the indictment ought to have expressed that he published it, which the indictment in this case did not; and upon good reason, which was, that the jury might be put in mind, that the publishing of it was necessary to make it known; whereas they very well knew that the evidence would not, nor did come up to it. This was the first indictment of high treason, upon which any man lost his life, for writing any thing without publishing it; for in Fitzharris's indictment, he was charged with publishing his libel; and so in all other indictments for writing, and upon good reason: for

this being made an overt-act of treason, it must be an evidence of a design to kill or depose the king, or the like; and as the consequence of what the writing contained, which was, that the power was in the people, &c. being in its nature no other, nor urged by the king's counsel to any other intent than to corrupt the subjects' minds, could not be evidence of such matter, unless proved he had writ and published it, whereof the last was not pretended to be proved.

That it was necessary to be expressed in the indictment, and proved at the trial, appears by the resolution of all the judges of England in Hugh Pine's case, in Cro. Car. fol. 117 *, at a time when prerogative run pretty high; wherein besides the resolution, that no words charging the king with any personal vice was treason, there is the case of one Peacham, in the 33d of Henry the Eighth, cited, who was indicted for treason, for treasonable passages in a sermon never preached, nor intended to be preached, but found in writing in his study; he was found guilty but never executed; for many judges at the time were of opinion it was not treason as the book says: which, I think, according to the

* State Trials, III. 359.

evidence here given, was the express case of Colonel Sidney, admitting he writ the book produced, and that the passages in it were treasonable.

And as this indictment was an original in the particular before-mentioned, so it was a second of an innuendo indictment of treason; Fitzharris was the first. The prosecution against Car, as I remember, was an information, and judgment arrested after a verdict, because it was by innuendo, of which no precedent could be produced; and although in actions for words it was permitted, yet in criminal matters, being penal, it was resolved it ought not to be permitted, and certainly much less in treason: and as this indictment was an original in one part, and a second in another, the evidence on it was an original in another part, which was proving the book produced to be Colonel Sidney's writing, because the hand was like what some of the witnesses had seen him write; an evidence never permitted in a criminal matter before. The case of Lady Carre was well cited by Colonel Sidney, against whom there was an indictment or information of perjury, in which it was resolved, that comparison of hands was no evidence in any criminal prosecution; and it must be owned, that at that time, besides Keeling and Twisden, there then sat in that court Sir

Wadham Windham, whom all will own to have been the second best judge which sat in Westminster-hall since the king's restoration: and if it be not evidence in a prosecution of misdemeanour, much less in treason, as Colonel Sidney said; which inference besides the reason of the thing, is backed by the authority of my Lord Coke.

. . . . . .

But admitting Colonel Sidney wrote that book and published it; yet if it were not done with a design to stir the subjects up into a rebellion, but was writ and published only *disputandi gratiâ*, as the import of the books shews plainly it was, it was no more treason, than the discourse between Blague and Mate Lee about taking the Tower was. And suppose it was wrote with that design, yet it not appearing when it was writ, how could a jury upon their oaths, say it was done with a design to raise rebellion against king Charles the Second, when for aught appeared, it was writ before he was king or thought of? it might, for aught appeared, be writ in king Charles the First's time, or Cromwell's time, and designed against either of them, or any foreign prince, and therefore could not be treason against king Charles the Second.

. . . . . .

The evidence was an original in this particular also; it was the first time that ever a par-

ticular expression in a writing was given in evidence against a man in treason, without reading the whole writing, and for a very good reason given by the jury in Fitzharris's case, which was, That there might be something in the writing, not expressed in the indictment, which may explain the clauses in the indictment so that they may bear another construction: and in that trial it was agreed the whole writing ought to be read, and was read accordingly; and it was the duty of the court to have ordered it, whether the prisoner or jury had desired it or not, as they are upon their oaths to do right: but in Colonel Sidney's case, when pressed by him, it was denied; only some particular passages he might have read if he would, which he did not accept, upon a very good reason which he gave, which was, that he knew not the passages of the book, or at least he did not remember them, and therefore could not call for them. 'Tis true that practice in civil matters is allowed to save time, where the mischief is not very great; because of a passage in a deed or writing, material for either party, omitted in reading, the matter may be brought about again; but in criminal, much less in capital prosecutions, they cannot be, unless a way can be found to bring a man to life again.

Almost all the circumstances of this trial are originals; the summing up of the evidence against him was barbarous, being invectives, and no consequences. It was said, he was not only guilty of the practices he was accused of, but that he could not have been otherwise, because his principles led him to it; and it might with as good reason have been urged, that he not only was become, but was born a traitor. The last matter remarkable in the trial, was that of an overt-act of which the court said it was resolved by all the judges of England, that if I buy a knife of J. S. to kill the king, and one witness prove I bought a knife, and another prove I bought it for that purpose, it is two witnesses of an overt-act within the statute of Edward the Sixth.

It were fit to know who the judges were who gave that resolution, if it were but for the authority of the case; for I doubt the reason of it will convince no man: they might as well have resolved, that eating or drinking, or the most ordinary acts of a man's life, is an overt-act of high-treason.

The law hath taken that care for the evidence of high-treason, which it hath not done in any

other case, that it must be proved by an overt-act, proved by two witnesses. One would think at the first sight of the statute, that there should be two witnesses to the same fact; but that hath been adjudged otherwise, yet still it was resolved there must be two witnesses: but if this resolution be law, it is plain there needs but one. 'Tis true, if a man does an act for which he can give no reason, as placing a mine of powder in a place the king usually passeth over, or planting a piece of cannon to shoot at a place the king usually passeth by, if he cannot give a credible reason why he did it, and another swears the purpose of the thing, it is two good witnesses within the act.

It hath been said, if a man be bound to his good behaviour, and wears a sword, it is a breach of the good behaviour; and perhaps, heretofore, when swords were not usually worn but by soldiers, it might be so, because it struck a terror in other people as much as a blunderbuss, or the like unusual weapon; or the going armed in a coat of mail, for any person but a soldier, doth at this day. Yet no man will say that, now swords are usually worn by all sorts of people, it is a breach of the good behaviour; and so that which heretofore was a crime, by custom now is become none. It is therefore the unusualness

and the unaccountableness of the circumstance make it an evidence, which cannot be assigned as a reason in the overt-act mentioned.

This last thing I take notice of, is, that Colonel Sidney refused to ask the Lord Howard any questions; from whence was inferred that he assented to the truth of the matter sworn: but it is well known, 'tis no prudence to ask a thorough paced witness a question; in Mr. Hampden's trial, his counsel refused so to do for that reason.

XXII.

TO THE KING'S MOST EXCELLENT MAJESTIE.

THE HUMBLE PETICION OF ALGERNON SYDNEY, ESQ.

Sheweth,

That your peticioner, after a long and close imprisonment, was, on the 7th of this moneth (November) brought with a guard of soldiers to the Palace-yard, upon a *habeas corpus*, directed to the lieutenant of the Tower before any *indictment* had bin exhibited against him.

That whilst he was there detained, a BILL was exhibitted and found; whereupon he was imme-

diately carryed to the King's Bench and there arraigned. In this surprise he desired a copy of the *indictment*, leave to make his exceptions, or to put in a speciall plea, and councill to frame it; but all was denyed: he then offered a speciall plea ready engrossed; which was also rejected without reading; being threatened that if he did not immediately plead GUILTY or NOT GUILTY, a judgment of high treason should be entred; he was forced contrary to law, (as he supposeth,) to come to a generall issue, in pleading NOT GUILTY.

November the 21st your peticioner was brought to his tryall; and the indictment being perplexed and confused, soe as neither he nor any one of his friends that heard it, could fully comprehend the scope of it, he was utterly unprovided of all the helps that the law alloweth unto every man for his defence: whereupon he did againe desire a copy, and produced an authentick copy of the statute 46 Edw. 3, whereby it is ennacted, 'That every man shall have a copy of any record that toucheth him in any manner, as well that which falls against the king, as any other person; but could neither obtaine a copy of his *indictment*, nor that the statute should be read.

The jury by which he was to be tryed, was

not, (as he is informed,) summoned by the bayliffs of the several hundreds in the usuall and legall manner; but names were agreed upon by Mr. Graham, Mr. Burton, and the under sheriffe, and directions given to the bayliffs to summon them; and being all so chosen, the copy of the pannel was of no use unto him.

When they came to be called he excepted against some for being your majestie's servants, which he did hope should not have been returned, when he was prosecuted at your majestie's suite; many others for not being freeholders, which exceptions he thinks are good in law; and others were lewd and infamous persons, not fitt to be of any juries; but all was over-ruled by the lord chiefe justice, and your peticioner forced to challenge them peremptorily, whome he found to be picked out as most suitable unto their intentions who sought his ruine; whereby he lost the benefitt allowed by the law, of making his exceptions, and was forced to admit of mechannick persons, utterly unable to judge of such matter, as was to be brought before them.

This jury being sworne, no witnesse was produced, who fixed any thing beyond hearsay upon your peticioner, except the Lord Howard, and some that swore the papers said to be found

in his house, and offered as a second witness, were written in a hand like unto your petitioner's.

Your petitioner produced ten witnesses, the most of them men of eminent quality, the others of unblemished fame, to shew the said Lord Howard's testimony was inconsistent with that he had, as in the presence of God, affirmed unto many of them, and as he swore at the tryall of the Lord Russell, under the same religious obligacion of an oath, as if it had bin legally administered.

Your peticioner did endeavour farther to shew, that besides the absurdity and incongruity of his testimony, he being guilty of many crimes which he did not pretend your petitioner had any knowledge of; and having no other hope of a pardon, then by the drudgery of swearing against him, deserved not to be beleived; and that similitude of hands could be no evidence, as was declared by the Lord Chief Justice Keeling, and the whole court, in the Lady Car's case; soe as no evidence at all remained against him.

That whosoever writt those papers, they were but a small part of a polemicall discourse,

in answer to a book written above thirty yeares agoe, upon generall propositions, applyed to no time, or any perticular case; that it was impossible to judge of any part of it, unlesse the whole did appear, which did not; that the sence of such as were produced could not be comprehended, unlesse the whole were read, which was denyed; That the ink and paper shewed them to have bin written many years agoe, and the Lord Howard knowing nothing of them, they could have no concurrence with what your peticioner was said to have designed with him and others.

That the confusion, errors in writing, &c. shew they had never bin so much as reviewed, and written in a hand that no man could read, were neither fitt for the press, nor could be in some years, though the writer of them did intend it, which did not appear.

That they being only the present crude and private thoughts of a man, for the exercise of his own understanding in his study, never shewed unto any, nor applyed to a perticular case, could not fall under the statute, 25 Edw. 3, which takes cognizance of no such matter, and could not by construction be brought under it, such matters being reserved thereby to the parlia-

ment, as is declared in the proviso, which he did desire might be read, but was refused.

Eight or nine important points of law, did hereupon emerge, upon which your peticioner knowing his own weaknesse did desire his councill might be heard, or reserved to be found specially; but all was over-ruled by the violence of the lord chief justice, and your peticioner so frequently interrupted, that the whole method of his defence was broken, and he not sufferd to say the tenth part, of what he could have alleadged in his defence. The jury was hurryed into a verdict that they did not understand.

And forasmuch as no man that is oppressed in England can have any reliefe, unless it be from your majestie.

Your peticioner humbly prays, That, the premises considered, your majestie will be pleased to admitt him into your presence, and if he doth not shew that it is for your majestie's honour and interest to preserve him from the said oppression, he will not complaine though he be left to be destroyed.

AL. SYDNEY.

From the Original in the State Paper Office.

XXIII.

TO THE KING MOST EXCELLENT MAIESTYE,

THE HUMBLE PETITION OF ALGERNOON SYDNEY.

Sheweth,

That your petitioner lying under a sentence of death, hath noe other refuge one earth then in our maiesty, that littell or no aduantage can be gained by the execution of it upon a man that by the course of nature is comme neare unto the last period of his life; whereas an act of clemancy in sparing him will much redound unto your glory, that thrones are better established by mercy then rigour, and hauing examined his owne conscience, the testimony it beares giues him confidence to present this unto your maiesty.

The premises considered,

Your petitioner humbly prayes that your maiesty would be pleased to remit the said sentence, and suffer him to goe beyound the seas, as he had long desired to doe, giuing security neuer to returne into England without your maiesty's leaue.

And your petitioner shall euer pray for your maiesty's life and prosperity,

AL. SYDNEY.

From the Original in the State Paper Office.

XXIV.

THE INFORMATION OF JOSEPH DUCASSE TO A COMMITTEE OF THE HOUSE OF LORDS.

When Colonel Sidney was arrested I had not been long in England: I did not know the laws, customs, and language of the country, and had but few acquaintance to inform me, and they involved me in the same prosecution; so having then little or no assistance, I was not allowed to judge; but, since, I have made it my business not only to inquire, but also to serve him as much as I was able, having afterwards obtained the liberty to visit him: by the informations he gave me, and by the discovery I made abroad, according to my knowledge, experience, and judgment, it was the greatest injustice that ever was done, and greater in that it was done upon pretence of justice, which I shall shew as far as I am able.

Colonel Sidney was arrested, the 26th of June 1683, about one of the clock, at his dinner; immediately after Sir Philip Lloyd came with an order to seize his papers; and after dinner went and searched the house, but thought not fit to take any, but some that lay loose upon his table, and in an old open trunk that stood by, and put

all those papers into the said trunk and a pillow-beer, and desired Col. Sidney to put his seal upon them, which he refused, and afterwards told me the reason, 'That he well remembered what passed at Colonel Mansell's lodgings.' And then Sir Philip Lloyd put his own seal upon them, and promised Colonel Sidney that they should not be opened but in his presence; which promise was not kept: for he told me often-times, and at the day of his death, that he never saw either trunk or pillow-beer again, though he did by my hand petition the king to have them returned to him, because there were some amongst them that might conduce to his justification.

From his house, he was brought before the king's council; and upon examination, he thought he gave them such answers as might have discharged him; but he was sent to the Tower, by a warrant from Sir Leoline Jenkins, for high-treason; at which time nothing of that which was pretended at his trial could be imputed to him; the Lord Howard was not seized till several days after, and his papers could not be examined at that instant; the same day his monies and bills of exchange were seized in Thomas Shepherd's hands; some weeks after his goods both in town and country were seized

to his very wearing cloaths, that his servants had not the liberty to carry him linen to change (about four months before the bill was found against him); and I knowing that the Marquis of Halifax was his kinsman, I applied myself to him, and by his means obtained relief from some of those grievances; and, by his lordship's means, I had the liberty to visit Colonel Sidney, during his imprisonment *.

The 6th of November following, an order was sent to the lieutenant of the Tower, to bring Colonel Sidney the next morning before the King's-bench; and he was accordingly brought into the Palace-yard of Westminster, between ten and eleven of the clock, before the grand jury was assembled; and consequently they could not know whether the bill would be found against him, unless they had intelligence with the grand jury.

The bill was found, and he immediately hurried to the bar to be arraigned. The bill was

* Mr. Lieutenant, his majesty is graciously pleased that Mr. Joseph Ducasse, servant to Algernoon Sydney, Esq. now a prisoner with you, be admitted to wait on his master as often as he shall desire it, at seasonable hours, in the presence of a wardour. 19 July, 83.

From a Copy in the State Paper Office.

read to him, perplexed, confused, and long, containing a heap of crimes distinct in nature, distinguished from each other by law, as he afterwards told me: one particular, I well remember, that he said, 'That the indictment says, he did conspire (with many others to the jury then unknown) on the 30th day of June, and many days both before and after, in the parish of St. Giles's;' whereas he was then, and had been some days before a close prisoner; which was impossible he should be at the same time at St. Giles's and in the Tower; and it was morally impossible for the grand jury to know he did conspire, unless they did know with whom.

He complained much of the injustice done him, when, upon some contest at his arraignment about some points of law, he desired counsel to frame objections, which was refused; he afterwards presented a special plea ready engrossed, which was refused, unless it might be peremptory; declaring, 'if it was over-ruled, he should be no further heard;' and the chief justice threatened, 'that judgment of treason should be immediately entered, if he did not come to the general issue,' and so was forced to plead *not guilty*.

Colonel Sidney did also much complain,

that the copy of the indictment was refused him, which might have been of great use to him, to make his defence and exceptions, it being so long and intricate that the ablest lawyers could give him but a very imperfect account of it upon hearing: thereupon he produced an authentic copy of the statute, wherein it is plainly enacted, 'That all men in all cases, whether they be such as fall out against the king or any others, shall have copies of such records as are against them.'

He complained very much of the irregularity of choosing the jury by whom he was to be tried; when a copy of the pannel was sent to him, after he had read it, he told me, 'he knew but the names of three gentlemen, which he resolved to have accepted, but they did not appear at his trial; the others he excepted against, as not being freeholders, and such as were then servants in the king's pay, as unfit persons to try him, being prosecuted at the king's suit; and the rest were mean, sordid, and mechanic people, and not fit persons to judge in such a case.' You may see it more at large in his trial; and if your lordships please, in his memorials he has left me.

He did much complain against the lord chief justice, for interrupting him in his just defence,

and was observed so well to chuse his time of breaking off his discourse, as never to suffer him to finish any point that pinched too hard upon the undue practices of his prosecutors, and most conduced to his defence: he desired the chief justice, as gently as he could 'to proceed softly and fairly; that no delay ought to be esteemed too long, when the life of a man was in question;' but all was in vain: Colonel Sidney told me, 'That before his trial, he was credibly informed the lord chief justice had advised with the king's counsel, of the ways of compassing his death; and that a paper, containing the result of that consultation, had been seen upon Mr. Attorney's table.' He never told me who that person was; but if you please to call Mr. Wynne, who was his solicitor, Sir William Williams, Mr. Pollexfen, Mr. Rotheram, Mr. Bamfield, Mr. Thompson, and Mr. Hawles who were his counsel, perhaps they may give a better account of that circumstance; but sure I am, they can give your lordships a full account of the irregular proceedings of his prosecutors.

He complained also against the solicitor general, for misrepeating the evidence on both sides, to mislead the jury; to have represented the Lord Howard's frequent attestation of God, that he knew of no plot, believed there was none, and took that spoken of to be an in-

vention of the priest, only as unwillingness to confess it, and his many perjuries as a mark of the truth of that he had then sworn, and by such constructions, to drive the jury headlong into a verdict; and, as Mr. Sidney complained of the solicitor-general in that particular, so he did much more of the chief justice, in misrepresenting the evidence more than the solicitor had done. And, after his trial, Colonel Sidney was informed, 'that the lord chief justice, not satisfied with directions given in public, he had been further pleased, when he retired upon pretence of taking a glass of sack, to follow the jury, and give them more particular instructions.'

He complained also of the judges and jury, for receiving such an evidence, as the Lord Howard, against whom he had many exceptions, as appear in his trial, and in his dying words which he left with me, written by his own hand, which I am ready to produce, and, if your lordships please to give me leave to publish them, it shall be done speedily; which I presume, may give great light and satisfaction to your lordships, and to the world, of the injustice done to him.

He further complained, that the judges and

jury did receive, for a second evidence, some scraps of papers, written many years before, in answer to Filmer's book, as if they could have any relation with what was pretended then at his trial; he earnestly desired, that those papers produced against him, might be all read in the court, that they might judge whether they were good or bad, true or false; which was refused.

After this trial, Colonel Sidney, considering their irregular proceedings, applied himself to the king by his petition, which I presented myself, representing to his majesty the wrong he thought was done him; but could obtain no relief, being referred to the same judges of whom he complained.

Of these he did complain, and many other particulars that would be too tedious to relate, and I should fear to do him wrong in not setting them forth as they ought to be; therefore must refer to his Apology, which he delivered to me before his death, and then told me, 'He was persuaded that his death would be called in question;' and so left me those papers, as a testimony to the world of the irregular proceedings his prosecutors made use of to destroy him.

DUCASSE.

Decem. 11, 1689.

XXV.

ADHUC DE TERMINO SCTI. MICH.

ASTRY.

London. Rex, &c. Locumtenent' Turris nræ Londini Salutem.

Cum nos in cur' nrâ coram nobis considera-vimus, qd Algernon Sidney, de diversis altis proditionibus personam nostram tangen' unde ipse convict' et attinct' est, de turr' nra Londin' per medium civitat' nræ London directe usq' ad furcas de Tyborne trahatur. Et super furcas ill' ibm suspendatur, vivensq' ad terram prosternatur, ac interiora sua extra ventrem suum capiantur, ipsoq' vivente comburentur. Et qd caput ejus amputetur, quodq' corpus ejus in quatuor partes dividatur, et qd caput et quarteria ill' ponantur ubi nos ea assignare voluerimus. Ideo tibi precipimus firmiter injungen' qd die veneris, 7° die Decembris jam prox' venien', apud Tower-hill, cum vic' Middl' convenias', et pd A. S. eidem vic' ibm deliberari fac', ut idem vic' executionem de eo in forma pd. fieri fac', prout nobis inde respondere volueris—Teste, Georgio Jeffryes Mil' at Bar' apud Westm' 28° die Novembris anno regni nostri 35°.

ASTRY.

Middlesex. Rex &c. vic^{c} Midd. Salutem.

Cum nos in cur^{c} nrâ coram nobis consideravimus, qd Algernon Sidney, de diversis altis proditionibus personam nostram tangen^{c} unde ipse convict^{c} et attinct^{c} est, de turr^{c} nra Londin^{c} per medium civitat^{c} næ London directe usq^{c} ad furcas de Tyborne trahatur. Et super furcas ill^{c} ibm suspendatur, vivensq^{c} ad terram prosternatur, ac interiora sua extra ventrem suum capiantur, ipsoq^{c} vivente comburentur. Et qd caput ejus amputetur, quodq^{c} corpus ejus in quatuor partes dividatur, et qd caput et quarteria ill^{c} ponantur ubi nos ea assignare voluerimus. Ideo tibi precipimus firmiter injungen^{c} qd die veneris, 7° die Decembris jam prox^{c} venien^{c}, apud Tower-hill, cum locumtenente turr^{c} næ convenias et pd. A. S. de prefat^{c} locumtenente recipias, et executionem de eo in formâ pd. facias prout decet—Teste, Georgio Jeffryes Mil^{c} at Bar^{c} apud Westm^{c} 28° die Novembris anno regni nostri 35°.

ASTRY.

From the Originals in the Crown Office, 35 Car. II. Roll. 256.

TO THE LORD CHIEF JUSTICE OF THE COURT OF KING'S BENCH.

This star'd night, 1 Dec. past six.

My Lord,

His majesty being resolved that the judgement given against Mr. Algernoon Sidney should be put in execution, hath commanded me to inform myself from your lordship, what the judgement was ('tis not doubted but it was of death) as to time, place, and rigour of execution that was pronounced against him. His majesty will, I suppose, order all rigours to be dispensed with, saving that of beheading him, and he is of opinion that Tower-hill is the fittest place for execution. Being not able to waite on you myselfe because of my indisposition, I send this gentleman who hath the honour to be known to you, and is privy to every thing that I prepare for his majestie's hand. To the end he may receive such instructions as your lordship shall think fit to give him, for the part that I am to bear as secretary, in preparing such instruments, as shall be necessary to pass his majestie's hand, and any thing else that may be proper for me to inform his majestie of.

I am, &c.

LEOLIN JENKINS.

WARRANT FOR EXECUTING OF ALGERNOON SIDNEY.

4 Dec. 83.

C. R.—Trusty and well beloved, we greet you well. Whereas lately in our court before us at Westminster, to witt in Michaelmas terme last past, by the judgement of the same court, it was considered that Algernoon Sidney, being convicted and attainted of high treason, touching our person, should be drawn from our Tower of London, through the middle of our city of London, directly to the gallowes at Tyburne, and upon the same gallowes there should be hanged, and being alive should be thrown down to the ground, that his bowells should be taken out of his belly and should be burnt while he was living; that his head should be cut off, his body divided in four parts, and that his head and quarters should be disposed of as we should appoint. And whereas by a writt, under the seal of our said court, bearing teste the 28th day of November last, we have commanded our lieutenant of our Tower of London, that upon Fryday, the 7th day of this instant December, he should meet with you our sheriffe of our county of Middlesex at Tower-hill, and should there deliver him, the said Algernoon Sidney, that you, our said sheriffe, may do execution upon

him, according to the said judgment. And by another writt, under the seal of our said court, bearing teste the same 28th day of November last, we have commanded our said sheriffe of Middlesex to meet with our said lieutenant, upon the same 7th day of December at Tower-hill aforesaid, and to receive from him the said Algernoon Sidney, and to do execution upon him in the forme aforesaid, as is fit; we of our will and pleasure, and by the authority of our royall power for certaine causes, and considerations us moving, and in respect of the said Algernon Sidney is a brother of a peer of this kingdome, doe will and command you our said sheriffe of Middlesex, that you supercede and forbear all manner of execution to be done by virtue of our said writt (except the cutting off the head of the said Algernoon Sidney); and that according to our said writt, upon the said 7th day of December, you our sheriffe of London bring the said Algernoon Sidney to a scaffold, by you to be erected at Tower-hill aforesaid, and that you cause the head of the said Algernoon Sidney then and there to be cutt off, and clearly severed from his body, our aforesaid writt to you directed in anywise notwithstanding: and fail you not herein as you will answer the contrary at your perill. And these our letters of warrant signed with our royall hand,

and under our privy signet, shall be your sufficient warrant and discharge in that behalfe. Given at our court, at Whitehall, the 4th day of December 1683, in the 35th year of our reigne.

To our sheriffe of our city of London
and sheriffe of our county of Middlesex,
By his majestie's command.
L. JENKINS.

TO THE SHERIFFS,

WITH THE WARRANT OF EXECUTION.

Whitehall, 4 Dec. 83.

Mr. Sheriffe,

I am commanded by his majesty to send you the warrant inclosed for your government, in what relates to the execution of Mr. Algernoon Sidney. I need not tell you that it is a charity owing to a person in his circumstances, to give him after you have received the writt of the Court of King's Bench, and this warrant, the timeliest notice you can, in order to his preparation for another world.

I am, &c.
L. JENKINS.

To Peter Daniel, Esq. sheriff of London, to be communicated to his colleague.

DITTO.

TO THE LORD CHIEF JUSTICE OF THE COURT OF KING'S BENCH.

My Lord Chief Justice,

Immediately upon the returne of Mr. Wynne from your lordship, his majesty having first perused the warrant, relating to the execution of Mr. Sidney, signed it, and the bearer hath it under the privy signet, and countersigned by myself, with order to deliver it, (as it is inclosed in a letter of mine) to Mr. Sheriffe Daniel, to be communicated to his colleague. I see by the tenor of the precedent out of which this warrant is taken, that they ought to receive your lordship's writt in the first place, therefore I have given the bearer orders to be intirely at your lordship's disposall, and to deliver the letter wherein the warrant is inclosed at such time as your lordship shall direct: but the sooner that Mr. Sidney hath notice of the time, the greater is the charity, and it will prevent a clamor.

I am, &c.

L. JENKINS.

From a transcript in the State Paper Office.

XXVI.

This indenture made the seventh day of December, in the five and thirtieth year of the reigne of our sovereign lord Charles the Second, by the grace of God king of England, Scotland, France, and Ireland, defender of the faith, etc. and in the year of our Lord 1683, between the honourable Thomas Cheeke, Esq. lieutenant of his majesty's Tower of London of the one part, and Peter Daniel, Esq. and Samuel Dashwood, Esq. sheriffs of the county of Middlesex of the other part: whereas Algernoon Sydney, Esq. by warrant of the Right Honourable Sir Leolin Jenkins, Knight, his majesty's principal secretary of state, bearing date at Whitehall, the five and twentieth day of June, in the five and thirtieth year of the reigne of king Charles the Second, aforesaid, was committed to the custody of the said lieutenant of the Tower for high treason in compassing the death of the king, and conspiring to levy war against him, by him the said lieutenant to be safely kept up, until he should be delivered by due course of law; and whereas by writt issuing out of his majesty's Court of King's Bench, under the seal of the said court, bearing date the eight and twentieth day of November last

past, reciting the judgment of the said court against the said Algernoon Sydney, for divers high treasons touching his majesty's person, whereof he then stood convicted and attainted, the said lieutenant of the Tower was commanded, that upon Friday the seventh day of December then next coming, he the said lieutenant should meet the sheriffs of Middlesex at Tower-hill, and there cause the said Algernoon Sydney to be delivered to the said sheriffs, to the intent, that the said sheriffs might cause execution to be made of him, the said Algernoon Sydney, in such manner as in the said writt is recited. Now this indenture witnesseth, that the said Thomas Cheeke, in obedience to the said writt, and in performance of his majesty's command, therein specified, doth, the day of the date of these present indentures, deliver unto the said Peter Daniel, and Samuel Dashwood, the body of the said Algernoon Sydney, in the said writt mentioned, according to the form and effect of the said writt; and the said Peter Daniel and Samuel Dashwood do hereby acknowledge to have received, on the day of the date of this present indenture, of and from the said Thomas Cheeke, the body of the said Algernoon Sydney, and of him do acquit and discharge the said Thomas Cheeke by these presents; in witness whereof the parties to these

presents have hereunto interchangeably set their hands and seals, the day and year first above written.

PETER DANIEL.
SAMUEL DASHWOOD *.

Sealed and delivered in the presence of
RICHARD BRADBORNE.
OB. REYNOLDS.

From an Entry in the Books of the Tower.

XXVII.

THE SHERIFFES ACCOUNT OF WHAT PASST AT THE EXECUTION OF ALGERNOON SIDNEY.

Wee went into the lieutenant's coach, and there signed and sealed counterparts of receiving him.

Wee asked him if he had any friends to accompany him on the scaffold, he said none but two servants of his brothers.

Wee conducted him on foot up to the scaffold, he said nothing in all his passage.

As soone as he came up he said, I have made

* These sheriffs were appointed, September 5th, 1683, by a commission under the great seal. The under-sheriffs were Thomas Rowse, gent. and Charles Hargrave, gent.
London Gazette 1864, *and Exchequer Roll* 34, *Car.* II.

my peace with God, and have nothing to say to men, but here is a paper of what I have to say.

Wee asked him if he would read it or have it read: he replyed no, but if you will not take it I will teare it.

Wee asked him if it were his owne hand-writing: and he replyed yes.

And so puld of his hat, and coat, and doublet, and gave them to his servants, and said, I am ready to dy, I will give you no further trouble: and then gave 3 guinnyes to the executioner.

The executioner seemed to grumble as if it were too little, then he bid his man give him a guinny or 2 more, which he did: and then he kneeld down while you might tell 20: and then layd downe on the block, and execucion was done at one blow; onely some skin with a knife the execucioner tooke of, and so took up his head and shewed it round the scaffold, which was hung with mourning, and the floore also covered with black, and a black coffin *.

From the Original in the State Paper Office.

* When the celebrated Algernon Sydney placed his head upon the block, he was asked, as is customary in such cases, by the executioner, if he should rise again? To this he intrepidly replied, not till the general resurrection: strike on.

Public Ledger, Dec. 17, 1768.

XXVIII.

C. R.—Our will and pleasure is, that the body of Algernoon Sidney, Esq. after the execution is past upon it in the manner that we have directed by our warrant to you of the 4th instant, be by you delivered unto our trusty and well-beloved Henry Sidney, Esq. master of our robes, or other his relations, to be privately buryed. And for soe doing this shall be your warrant. Given at our court at Whitehall, the 6th day of December 1683, in the 35th year of our reigne. To our trusty and well-beloved our sheriffs, of our city of London and county of Middlesex.

By his majestie's command,

L. JENKINS.

From a transcript in the State Paper Office.

XXIX.

PAPER DELIVERED TO THE SHERIFFS.

Men, Brethren, and Fathers; Friends, Countrymen, and Strangers!

It may be expected, that I should now say some great matters unto you; but the rigour of the season, and the infirmities of my age, increased by a close imprisonment of above five months, do not permit me.

Moreover, we live in an age that maketh truth pass for treason: I dare not say any thing contrary unto it, and the ears of those that are about me will probably be found too tender to hear it. My trial and condemnation doth sufficiently evidence this.

West, Rumsey, and Keeling, who were brought to prove the plot, said no more of me, than that they knew me not; and some others, equally unknown to me, had used my name and that of some others, to give a little reputation unto their designs. The Lord Howard is too infamous by his life, and the many perjuries not to be denied or rather sworn by himself, to deserve mention; and being a single witness, would be of no value, though he had been of unblemished credit, or had not seen and confessed, that the crimes committed by him would be pardoned only for committing more; and even the pardon promised could not be obtained till the drudgery of swearing was over.

This being laid aside, the whole matter is reduced to the papers said to be found in my closet by the king's officers, without any other proof of their being written by me, than what is taken from suppositions upon the similitude of a

hand that is easily counterfeited, and which hath been lately declared in the Lady Carr's case, to be no lawful evidence in criminal causes.

But, if I had been seen to write them, the matter would not be much altered. They plainly appear to relate unto a large treatise written long since in answer to Filmer's book, which by all intelligent men is thought to be grounded upon wicked principles, equally pernicious unto magistrates and people.

If he might publish unto the world his opinion, that all men are born under a necessity derived from the laws of God and nature, to submit unto an absolute kingly government, which could be restrained by no law, or oath; and that he that hath the power, whether he came unto it by creation, election, inheritance, usurpation, or any other way, had the right; and none must oppose his will, but the persons and estates of his subjects must be indispensably subject unto it; I know not why I might not have published my opinion to the contrary, without the breach of any law I have yet known.

I might, as freely as he, publicly have declared my thoughts, and the reasons upon which they were grounded; and I am persuaded to be-

lieve, that God had left nations unto the liberty of setting up such governments as best pleased themselves.

That magistrates were set up for the good of nations, not nations for the honour or glory of magistrates.

That the right and power of magistrates in every country was that which the laws of that country made it to be.

That those laws were to be observed, and the oaths taken by them, having the force of a contract between magistrate and people, could not be violated without danger of dissolving the whole fabric.

That usurpation could give no right; and the most dangerous of all enemies unto kings were they, who raising their power to an exorbitant height allowed unto usurpers all the rights belonging unto it.

That such usurpations being seldom compassed without the slaughter of the reigning person or family, the worst of all villanies was thereby rewarded with the most glorious privileges.

That if such doctrines were received, they would stir up men to the destruction of princes with more violence than all the passions that have hitherto raged in the hearts of the most unruly.

That none could be safe, if such a reward were proposed unto any that could destroy them.

That few would be so gentle as to spare even the best, if, by their destruction, a wild usurper could become God's anointed, and by the most execrable wickedness invest himself with that divine character.

This is the scope of the whole treatise; the writer gives such reasons, as at that time did occur unto him, to prove it. This seems to agree with the doctrines of the most reverenced authors of all times, nations, and religions. The best and wisest of kings have ever acknowledged it. The present king of France has declared, that kings have that happy want of power, that they can do nothing contrary to the laws of their country; and grounds his quarrel with the king of Spain, anno 1667, upon that principle. King James, in his speech to the Parliament, anno 1603, doth in the highest degree assert it: the scripture seems to declare it. If neverthe-

less the writer was mistaken, he might have been refuted by law, reason, and scripture; and no man for such matters was ever otherwise punished, than by being made to see his error; and it hath not, as I think, been ever known that they had been referred to the judgment of a jury, composed of men utterly unable to comprehend them.

But there was little of this in my case: the extravagance of my prosecutors goes higher: the above-mentioned treatise was never finished, nor could be in many years, and most probably would never have been. So much as is of it was written long since, never reviewed, nor shewn unto any man; and the fiftieth part of it was not produced, and not the tenth of that offered to be read. That which was never known unto those who are said to have conspired with me, was said to be intended to stir up the people in prosecution of the designs of those conspirators.

When nothing of particular application unto time, place, or person, could be found in it, as hath ever been done by those who endeavoured to raise insurrections, all was supplied by innuendos.

Whatsoever is said of the expulsion of Tar-

quin; the insurrection against Nero; the slaughter of Caligula or Domitian; the translation of the crown of France from Meroveus's race to Pepin, and from his descendants unto Hugh Capet, and the like, was applied by innuendo to the king.

They have not considered, that if such acts of state be not good, there is not a king in the world that has any title to the crown he wears; nor can have any unless he could deduce his pedigree from the eldest son of *Noah*, and shew that the succession had still continued in the eldest of the eldest line, and been so deduced to him.

Every one may see what advantage this would be to all the kings of the world; and whether, that failing, it were not better for them to acknowledge they had received their crowns by the consent of willing nations, or to have no better title unto them than usurpation and violence; which, by the same ways, may be taken from them.

But I was not long since told, that I must die or the plot must die.

Lest the means of destroying the best protestants in England should fail, the bench must

be filled with such as had been blemishes to the bar.

None but such as these would have advised with the king's counsel of the means of bringing a man to death; suffered a jury to be packed by the king's solicitors and the under-sheriff; admit of jurymen who were not freeholders; receive such evidence as is above-mentioned; refuse a copy of an indictment, or to suffer the statute of 46 Edw. III. to be read, that doth expressly enact, It should in no case be denied unto any man, upon any occasion whatsoever; over-rule the most important points of law without hearing. And whereas the statute, 25 Edw. III. upon which they said I should be tried, doth reserve unto the parliament all constructions to be made in points of treason, they could assume unto themselves not only a power to make constructions, but such constructions as neither agree with law, reason, or common sense.

By these means I am brought to this place. The Lord forgive these practices, and avert the evils that threaten the nation from them! The Lord sanctify these my sufferings unto me! and though I fall as a sacrifice unto idols, suffer not idolatry to be established in this land! Bless thy people, and save them. Defend thy own

cause, and defend those that defend it. Stir up such as are faint; direct those that are willing; confirm those that waver; give wisdom and integrity unto all. Order all things so, as may most redound unto thine own glory. Grant that I may die glorifying thee for all thy mercies; and that at the last thou hast permitted me to be singled out as a witness of thy truth, and even by the confession of my opposers, for that OLD CAUSE in which I was from my youth engaged, and for which thou hast often and wonderfully declared thyself.

XXX.

WILLIAM AND MARY.

AN ACT FOR ANNULLING AND MAKING VOID THE ATTAINDER OF ALGERNON SIDNEY, ESQ.

Whereas ALGERNON SIDNEY, Esq. in the term of St. Michael, in the 35th year of the reign of our late sovereign Lord King Charles II. in the court of King's Bench at Westminster, by means of an illegal return of jurors, and by denial of his lawful challenges to divers of them, for want of freehold, and without sufficient legal evidence of any treasons committed by him;

there being at that time produced a paper found in the closet of the said ALGERNON, supposed to be his hand writing, which was not proved by the testimony of any one witness to be written by him; but the Jury was directed to believe it by comparing it with other writings of the said ALGERNON; besides that paper so produced, there was but one witness to prove any matter against the said ALGERNON; and by a partial and unjust construction of the statute, declaring what was his treason, was most unjustly and wrongfully convicted and attainted, and afterwards executed for high-treason: may it therefore please your most excellent majesties, at the humble petition and request of the Right Honourable PHILIP EARL of LEICESTER, brother and heir of the said ALGERNON SIDNEY, and of the Right Honourable HENRY VISCOUNT SIDNEY of Sheppy, in the county of Kent, the other brother of the said ALGERNON, That it be declared and enacted, and be it enacted by the king's and queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said conviction, judgment, and attainder, of the said ALGERNON SIDNEY be, and are repealed, reversed, made and declared null and void, to all intents, constructions, and pur-

poses whatsoever, and as if no such conviction, judgment, or attainder had ever been had or given: and that no corruption of blood, or other penalty, or forfeiture of honours, dignities, goods, chattels, lands, tenements, or hereditaments, be by the said conviction and attainder incurred: any law, usage, or custom to the contrary notwithstanding. And to the end that right be done to the memory of the said ALGERNON SIDNEY, deceased, be it further enacted, That all records and proceedings relating to the said attainder be wholly cancelled, and taken off the file, or otherwise defaced or obliterated, to the intent that the same may not be visible in after ages; and that the records and proceedings of and to the said conviction, judgment, and attainder, in the said Court of King's Bench now remaining, shall, and be forthwith brought into the said court, this present Easter term, and then and there taken off from the file and cancelled.

THE END.

T. DAVISON, Lombard-street,
Whitefriars, London.

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